

HEARING ON SPECIAL DISTRICTS

SEWERS

Sacramento, California
September 5, 1958

TRANSCRIPT OF PROCEEDINGS

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(In Order of Appearance)

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ASSEMBLY INTERIM COMMITTEE
on
MUNICIPAL AND COUNTY GOVERNMENT

Clark L. Bradley, Chairman

Present:

Clark L. Bradley, Chairman
Carl A. Britschgi
Ernest R. Geddes
Seth J. Johnson

William Biddick, Jr., Vice-Chairman
Herbert R. Klockslem
Roy J. Nielsen
Gordon Winton, Jr.

Staff:

Milton R. Farrell, Research Director
Mrs. Cristine B. Harrison, Committee Secretary

TRANSCRIPT OF PROCEEDINGS

CHAIRMAN BRADLEY: The meeting will come to order.

The Chair recognizes the presence of a quorum.

Ladies and gentlemen, this is a meeting of the Interim Committee on Municipal and County Government, and today we are going into the general subject of sewer districts. Last week this committee met in Los Angeles for two days and held hearings similar to what we are holding here in Sacramento. The first day we had a general discussion on fire districts, such as we had here yesterday, and the second day was devoted to sewer districts. We are also, on a limited basis, going into some discussion on Community Services Districts.

The purpose and object of our hearings is mainly to determine if it is possible in the coming General Session of the Legislature to effect a consolidation of some of the district acts that deal with these particular subjects of fire and sewage districts.

Last year in the General Session this Committee sponsored a consolidation and arrived at a composite act dealing with parks and recreation districts. It is our feeling that there is a real problem in California in the number of districts which are not only already in existence but which are constantly being formed. We recognize the need and the necessity and the legitimate purposes and ends of the districts, but we are also concerned that there are an ever increasing number of districts. We are of the opinion that it might be possible, at least in one field of this subject of districts, to bring some clarification into the codes by effecting a consolidation of the acts from which these districts spring, and that is one phase of this Committee's study. It is not our object and purpose necessarily to make any substantive changes in the law. We are concerned that any act, whether it is on the books now or in the future, should have ample and adequate provision for its ultimate termination when the objects and purposes of the district have been completed, and adequate provisions for annexation or consolidation. We feel that these provisions are necessary in order to encourage, if possible, a reduction in the number of districts.

These meetings are strictly informal; we welcome the opinions on the cuff or off the cuff of anyone who wishes to address the Committee. We have been supplied with a list of a number of people who have indicated a desire to speak, and if there is anyone else during the course of the hearing who would like to address the Committee, the sergeant-at-arms will be glad to receive your request.

On my extreme right I am pleased this morning to introduce Assemblyman Gordon Winton from Merced, a member of this Committee; Assemblyman Ernest Geddes from Claremont; Assemblyman William Biddick from Stockton; Assemblyman Seth Johnson from Los Angeles; on my immediate right our Committee Secretary, Mrs. Cristine Harrison; on my immediate left our Research Director, Milton Farrell; next to him Assemblyman Herbert Klocksien from Long Beach; then Assemblyman Roy Nielsen from Sacramento. We expect one or two additional members a little later.

I would like to again state, as I have at other hearings, that this committee does not have any prepared proposed legislation. We are strictly on a fact-finding expedition and we do not have, nor are we at this stage sponsoring any specific or proposed legislation.

Mr. Rawn, you represent a considerable number of districts. Would you like to bring your staff with you and come forward at this time to make your presentation?

A.M. RAWN, Chief Engineer and General Manager, County Sanitation Districts of Los Angeles County: Thank you, Mr. Bradley. May I present to the Committee Mr. Joseph Gill who is our Chief Counsel. I am very happy to make this presentation. I have supplied you with copies of the statement and with maps of the sanitation districts. May I proceed to read the statement at this time, sir?

BRADLEY: You may go right ahead, Mr. Rawn.

RAWN: This is addressed to you, sir, as Chairman, and to your Committee.

The County Sanitation District Act approved in May 1923 was designed by its authors for specific application to the then existing metropolitan area of Los Angeles County. It filled the need of a structure of government for, and a method of design and operation of, metropolitan sewerage in an area in which there were many and diverse forms of municipal, district, and county government. The Act gave clear expression to the fundamental and basic philosophy that sewerage must be considered and instituted without reference to political boundary lines. It afforded a sanitation district wide latitude in the design, construction, operation and maintenance of sewers and sewerage works.

The government of a district was vested in a board of directors, comprising the presiding officer of the city council in each city in whole or in part included in the district, and the chairman of the board of supervisors of the county, representing unincorporated territory included in the district. Each director had an equal voice in the district proceedings, the representation being from each political subdivision and not on a population basis. This very commendable provision is still in effect in Los Angeles County but has been slightly modified in other counties where sanitary districts exist.

As the plan for sewerage developed in Los Angeles County it became apparent that the Sanitation Districts should properly act in concert and the law was appropriately amended to permit of joint operation. This then provided for a still more efficient form of administration by vesting district authority in each district board but allowing them to act cooperatively in the ownership, operation and maintenance of jointly owned structures and in the over-all administration of district affairs. The outcome of these early efforts and their continued expansion has resulted in one of the largest and most economical trunk sewerage and disposal systems in the world. It can be pretty safely said that lacking any of the provisions which were incorporated in the original Act, these results could not have been achieved.

As stated, the Act was framed to deal with metropolitan sewerage and for many years only the sanitation districts in Los Angeles County were in existence. As a result of the success in Los Angeles County, similar plans have been proposed in a number of other counties in the State and the sanitation district idea has been extended to approximately 80 additional districts, some large and some small. As the idea has been extended to include other districts of various sizes, problems other than those existing in Los Angeles County have arisen, and the Act has from time to time been amended to permit certain perplexities not appearing at first to be ironed out. These amendments are permissive in the main, and the basic philosophy of the sanitation district law remains unchanged.

To the best of my knowledge no sanitation district in California has ever defaulted in the payment of bond interest and

redemption, and because the taxing structure is open ended, no sanitation district has ever seriously suffered from lack of operation and maintenance funds. The district bonds have an enviable reputation in the bond market, to disturb which might cause serious difficulties and material expense in their sale.

At the last session of the Legislature, the Act was amended to interpose certain restrictions regarding the doing of construction work with district personnel instead of by contract. Two years of experience with this change has not indicated that it seriously affects the district operations, although there are times when in the alteration of existing structures, district forces could do the work more economically and with less interference to the very serious job of operation.

Also at the last session of the Legislature an unsuccessful attempt was made to limit the taxing power of a district. To such a move we in Los Angeles County have no objection provided the amendment so limiting is made after serious and careful consideration of the needs of sanitation districts.

In substantially any sewerage area the annual tax for bond interest and redemption and operation and maintenance will vary inversely as the assessed valuation of the real property lying within the district boundaries, and if the Interim Committee and the Legislature propose amending the Sanitation District Act to quantitatively limit district taxing powers, it is respectfully urged that a review of the tax rates of all of the sanitation districts in the State, and a comparison of these rates with district assessed valuation, and the method and manner of sewage treatment and disposal, be investigated and the tax limitation or increase in any one year be based upon such a review. Obviously, a tax rate for such a vast system and high assessed valuation as exist in Los Angeles County would be totally inappropriate for small districts with low assessed valuation. It is felt that this difference should be recognized, particularly in that the district law does not provide for the appointment of a district assessor but orders that the county assessor's values shall be used. We in the Los Angeles office and our staff will welcome any opportunity to assist the Interim Committee in these determinations.

The ratio of city officials to county officials on the district boards of directors in Los Angeles County is about ten to one, a matter which should be taken into consideration if any attempt is made to alter the District Act by specifying a public county attorney as the district's counsel. Similarly, this proportion should be weighed if effort is made to specify the county purchasing agent as the district purchasing agent. Both of these matters have come before the Boards of Directors in Los Angeles County a number of times and in each instance have been vigorously opposed. It is the consensus here, and by "here" I mean Los Angeles County, that County Sanitation Districts in Los Angeles County

are in reality far more a joint municipal enterprise than otherwise.

Within the past two years the Los Angeles Districts have been called upon to establish two large landfill refuse disposal sites and one modern refuse transfer station. These are now in operation and are serving to transfer and/or dispose of approximately 1000 tons of refuse per day, about 12 percent of all of the refuse collected in the County. This operation is being done without profit and in strict compliance with rules and regulations propounded and issued by the Industrial Waste Division of the County Engineer's office. While perhaps the Districts are not legally required to comply with these County regulations, it has always been the policy and purpose of the County Sanitation Districts of this County to fully comply and cooperate with the County and its cities in a spirit of comity. Parenthetically, these refuse disposal operations have had some beneficial effect in stabilizing the prices for refuse disposal and landfill operations at privately owned sites.

My association with the County Sanitation Districts of Los Angeles County commenced in 1924 and I have known and worked with many directors. I can state in all candor and honesty that during the 34 years which have ensued since my first employment, I have heard a very minimum of criticism of District law from the directors and I can state with equal candor that if any of the basic provisions in the original Sanitation District Act had been omitted and the district activities limited by extremely rigid restrictions, the work which the Districts have done in Los Angeles County could not have been accomplished. I know of no one of the provisions in the basic Sanitation District Law which might properly be eliminated or altered to any great degree and still permit the accomplishments of the correct and timely sewerage and sanitation intended.

In view of the foregoing and my long experience with sanitation district affairs, I believe it would be unwise to drastically alter any of the present provisions of the subject law, or change its title or include its provisions in a more inclusive Act of different title.

The Los Angeles County Sanitation Districts joint administrative staff will be most happy to work with this Interim Committee in the compilation of data, the securing of facts and figures, and rendering any other help or assistance possible to permit the Committee and the Legislature to come to sound and reasonable conclusions in the formulation of better legislation.

This concludes my prepared statement, Mr. Chairman. I will be very happy to answer any questions.

BRADLEY: Thank you, Mr. Rawn. First, are there any questions from Committee? Mr. Biddick.

BIDDICK: Mr. Rawn, among your concluding recommendations you suggest that we not include the provisions of the 1923 Act in a more inclusive act of different title, which is one of the basic things that the Committee is studying. You raise a number of very excellent points as to things that you have learned by your long experience, but I am wondering if you could give us your reasons as to why you would object to including this in a more inclusive act providing we did not alter any of the basic provisions under which you are now working.

RAWN: I think it would be very unwise to change the name from County Sanitation Districts, or the law from the County Sanitation District law to any other. The reputation is built around that name, and I believe it would hurt the sale of bonds. I believe it would hurt the bond market, Mr. Biddick.

BIDDICK: Your main reason is that you feel it would make it difficult to sell your bonds at a favorable rate of interest if you were to change the name of the act in any manner.

RAWN: That's my sole reason, sir.

BIDDICK: Thank you.

BRADLEY: Mr. Geddes.

GEDDES: Mr. Rawn, I was interested in the long years that you have been with the district. Could you tell us how many of the 23 districts now enumerated were in existence when you first took over?

RAWN: None.

GEDDES: There weren't any?

RAWN: None.

GEDDES: And how many did they start with 24 years ago?

RAWN: We started in a joint administration with four districts, and there was in addition a South Bay Cities Sanitation District which was hooked into the Hyperion city outfall.

GEDDES: Then as time has gone on, other communities and areas have expanded and felt the need to modernize their systems and have made careful studies that have resulted in the creation of these different districts, and in their full cooperation in the federated plan, so to speak; isn't that true?

RAWN: Yes, sir, that's true.

GEDDES: So that it's an act that, so far as we in Los Angeles County are concerned, is thoroughly workable; it isn't static; it has changed from time to time to grant new or additional powers, or to clear up items that were in doubt, and because of that, the different communities have been able to cooperate and proceed to their advantage.

RAWN: Yes, sir, it has consolidated in one authority, the joint administration office, which authority is exercised under the general jurisdiction of the boards of directors. It has consolidated in that single authority the responsibility for all the sewerage works outside the City of Los Angeles.

GEDDES: The City of Los Angeles, because of its size and geographical location, is pretty well entitled to have its own show, don't you feel?

RAWN: Yes, I feel that's true because topographically the land of the County of Los Angeles does not drain at the same points as the city.

GEDDES: Mr. Chairman, parenthetically I would like to point out that the structure of this act in many of its provisions might be well applied in our study to other cooperative efforts. We have often talked about the Metropolitan Water District and such, but it has other ramifications. However, I think the County Sanitation District Act does show how the different communities, as well as unincorporated area, can form these districts when the need is felt and with a joint exercise of power and overall management bring great economies to the people.

BRADLEY: For the record, Mr. Geddes, I think this Committee fully recognizes the full import and impact of the County Sanitation Districts Act as a very important part of the economy and the health and general welfare of the State of California.

Before we go any further, I would like to recognize Assemblyman Carl Britschgi who has just joined the committee. Mr. Britschgi is from Redwood City.

Now Mr. Klockslem has a question.

KLOCKSIEM: I just wanted to bring out a few things here, Mr. Chairman. Perhaps the Committee is already informed on them, but I sat as a member of this District for a number of years, representing Long Beach, and I wonder if the Committee knows the type of work they do in representing all of these cities within the district - how often they meet, and how thoroughly everything is brought before the different cities represented before any action is taken. This certainly is a form of democratic government and as far as I know, there has been very, very little criticism of their actions.

Now I wanted to ask Mr. Rawn, if I may, about this bill which was passed at the last session of the Legislature, and which I opposed, which interposed certain restrictions regarding the performance of construction work by the district personnel instead of by contract. You mentioned it hasn't handicapped you very perceptibly but I wondered just what the effects were. I recall sitting on that board and having you, Mr. Rawn, bring out bids which time and time again were over and above the estimate by several thousands of dollars, and then you told the members that the work could be done by the district at a great saving. A little later on, after the work was done, you brought in the facts and figures to prove that that was true; so I know that you personally have saved the County of Los Angeles hundreds of thousands of dollars over the years, and I think that should be presented to the committee in such a way that they will not overlook it. I would like to ask you, Mr. Rawn, if I may, if this new act has really hampered you to any great extent in the past two years.

RAWN: It has not materially hampered us although it causes us some inconvenience and has cost us some money. The large jobs which we have been doing in the last two years have gone to contract at a fair price; we have no quarrel with that. What the future may hold, I don't know. You spoke of the thousands of dollars that we have saved; actually over the last eighteen years our forces, operating as district forces, have saved the districts over five million dollars. That has been the amount of money less than the low bid which was tendered that the districts have saved, and that is verified by public accountants and by accounting in the office.

We have a job right now on which the low bid is \$74,000. It has to do with the alteration of a number of the structures at the joint disposal works which treats some 250,000,000 gallons of sewage a day, and any interference there between the operation of the contractor and the district in their operation of the plant may result in a very serious nuisance. Now we have, as I said in here, worked with the spirit of the law all the way through, so we are going to let that go to contract, but my personal preference would be to do that work with our own forces because we know all about the disastrous consequences which can ensue if it isn't done properly. Unfortunately, the law as it now stands would not permit us to do that because the bid is a fair one, and the only reason we have to want to do the work ourselves is in the interests of good operation.

That occurs many times, Mr. Klockslem and Mr. Bradley, and in the past when it has occurred, and the board was allowed to do so, I have always requested that we be allowed to organize our own forces, use our own construction superintendent, and proceed with the work. And speaking of doing the work and requesting authority from the boards, the last two big jobs that we did were a 90-inch ocean outfall and a mile and three quarters of the 12-foot tunnel under the Palos Verdes hills, and on those two jobs we saved almost exactly two million dollars under the low bid by doing it with our own forces. I can't blame the contractors for not bidding down to where we can go because we have the resources of the district behind us if we get into trouble. We didn't get into trouble,

nor would any contractor have gotten into trouble who followed the same procedure. You can readily understand that was a rather monumental saving for the districts, and we were fortunate.

I think we can live with the Act the way it is but I wish it were back the other way. I don't think it would make a great deal of difference to the contractors. On this \$4500 limitation, of course, you couldn't get a contractor to bid on a \$4500 job in Los Angeles County unless they put the price up to \$10,000 because he wouldn't move his equipment onto the ground for that.

KLOCKSIEM: Let me ask you this question, Mr. Rawn, if I may. If you get a bid from a contractor and you think it's too high, even though it's the lowest bid you have, do you have to accept that bid or can you throw it out and call for bids again.

RAWN: The board can order the district forces to do the work if we can convince the board that we can do it for much less money.

KLOCKSIEM: Well, can you advertise for bids again?

RAWN: Oh yes, we can do that.

KLOCKSIEM: Now you say here "if any attempt is made to alter the District Act by specifying a public county attorney as the district's counsel"; has there been attempt to do that, and if so, just what's back of that?

RAWN: There has been on numerous occasions in the past. Some of the members of the board of supervisors have suggested from time to time that it would be more economical for the county purchasing agent to purchase the supplies for the County Sanitation

Districts and for the County Counsel to act for the district, but the cities don't believe that, and since the city directors outnumber the county directors ten to one, as I pointed out, they still feel they are a municipal cooperative organization rather than a county organization, and insist - and I certainly concur, not that I'm criticising any purchasing agent or organization - that we have our own counsel and our own purchasing agent.

KLOCKSIEM: Thank you very much.

BRADLEY: Are there any other questions by members of the Committee? I take it, Mr. Rawn, that for the purpose of our record here, based upon the conclusions contained in your prepared statement, that you feel the County Sanitation District Law should not be incorporated into a composite act but remain separate and distinct?

RAWN: I do feel that, Mr. Bradley, yes, sir. I think it has been very successful in its application in Los Angeles County and elsewhere.

BRADLEY: In your broad experience in this particular field, Mr. Rawn, perhaps you are familiar with some of these other sewage acts. Do you know of any place in southern California where the Regional Sewage Disposal Act has been put into operation - or Mr. Gill, have you had any experience with that? Do either of you know of any use of the Joint Municipal Sewage Disposal District Act?

RAWN: I do not.

GILL: Nor do I.

BRADLEY: In southern California, by any chance, are they using the Sewer Districts in Unincorporated Territory District Act?

RAWN: Not to my knowledge.

BRADLEY: There are two that we know of in the State but we don't know of any more.

RAWN: I have no knowledge of any in southern California.

BRADLEY: We know of three County Sewerage and Water District Acts. Do you know if any of those are in your area?

GILL: No.

BRADLEY: Lastly, we know of four Municipal District Acts of 1939; do you know of any of those?

GILL: I do not.

RAWN: No, sir, I do not. Mr. Bradley, may I . . .

BRADLEY: Yes, Mr. Rawn.

RAWN: In Table 68 of the Sewerage Enabling Acts, which was prepared by the State Water Pollution Control Board, under Table 12, there are listed six County Water Districts which have the authority to proceed with sewerage construction. I know of some others, one which we encountered in the La Canada area, the La Crescenta Water Company, but I do not know whether they are contemplating the installation of sewerage works as well as water works.

GILL: I might add, Mr. Chairman, that one of the provisions of the County Water District Act is that while it is empowered to engage in sewage, the board of supervisors, to form a new district must obtain the consent of a county water district if any portion of its territory is included in a proposed county sanitation district, and that was recently encountered in Los

Angeles County when a District 24 was proposed for the La Canada-La Crescenta area. A portion of that area was in La Crescenta which was proposed to be placed in Sanitation District 24. While the county water district has not to date engaged in any sewage activity, it withheld its consent and therefore the area proposed to be included in the sanitation district in La Crescenta had to be excluded under Section 4711 of our County Sanitation District Act.

BRADLEY: Would you wish to express an opinion in regard to a possible amendment to the acts which would allow a county sanitation district to get into the storm sewer operation?

RAWN: As it relates to Los Angeles County, and because of the strength and extent of the County Engineer's Office, I would be opposed to it. If it were permissive, it might be all right; certainly it would not affect the situation in Los Angeles County nor do I believe it would in Orange County because of their flood control situation.

BRADLEY: Well, what I had in mind was if any change is made, it would be permissive and not mandatory. You would have no objections to it if it were permissive?

RAWN: I would have none, no, sir. As this group well knows, there was incorporated into the County Sanitation Districts Act all of the provisions of the Improvement Act of 1911, substituting the board of directors for the city council, or the board of supervisors, and substituting their engineer for the city or county engineer, so that that act may be administered and may be applied through the provisions of the County Sanitation Districts Act by a sanitation district. It's really a part of the act.

BRADLEY: What would be your opinion, gentlemen, if it were possible to incorporate the Sanitary District Act of 1923 into the County Sanitation Districts Act and call it the County Sanitation and Sanitary Districts Act? Would that have any effect on your previous statement in regard to the name of the act and the possible interference with the issuance of bonds, in your opinion?

RAWN: Yes, sir, I would be opposed to that for the reason that the Sanitary Districts Act is not meant to apply to regional sewerage in the same manner that the Sanitation District Act is. Its governing board is differently selected, they have their own assessor, they have a tax limitation which is changed, or can be altered, by the county or by the district assessor. The basic philosophies of the two acts are not the same.

BRADLEY: Are there any questions from members of the Committee of either of the witnesses? Apparently not, gentlemen, so, unless you have something further . . . Mr. Gill, I should ask you if you wish to add to the record.

JOSEPH C. GILL, District Counsel, County Sanitation Districts, Los Angeles County: Mr. Chairman, at last Friday's meeting in Los Angeles you asked if we had any additional information that might be of assistance to the committee and that we could possibly produce it today. Since the day of that hearing, Mr. James L. Beebe, bond counsel of O'Melveny and Myers, called to my attention a paper delivered last week, a few days before your hearing, before the Municipal Law Section of the American Bar

Association at their Convention this year in Los Angeles. This paper was delivered by Mr. Charles Cooper, General Counsel for the Metropolitan Water District, and Mr. Beebe indicated to me that perhaps it would be of some assistance to the Committee. Mr. Cooper has been kind enough to furnish me with sufficient copies for each member of the Committee, if you care to have them. I would like to read first the title of his address before the Municipal Law Section. It is entitled "The Development of Special Districts in California". The address is 27 pages long and I would merely like to read from his conclusions on pages 25 and 26 as I think they may have some bearing on the matter at hand.

Mr. Cooper points out the various district acts, the evolution of districts in California, how they came into being, why we have so many, the purposes they serve, the utility, and the tools available by virtue of the Legislature having enacted so many various and varied kinds of districts. He concludes on page 25:

"From the foregoing, the proponents can usually select the type of district which best fits their needs. There is a wide variety but this variety helps to work out the problem.

"It has been claimed that there is not only a wide variety but a bewildering variety of districts possible in California. However, virtually all of these district acts are used and have been found desirable. There have been situations in which some seemingly slight modification of an existing act was necessary in order to meet a particular situation, so a new act has been passed with that modification. While it might be possible to simplify these laws and reduce the number of acts considerably, doing so would result in changes for some going public corporation and probably would meet with considerable resistance. So, we Californians have been reluctant to attempt any drastic revision of these numerous district laws. They furnish a wide variety of useful tools with which to build a

governmental structure. Though while it seems reasonable, off-hand, to suggest that these laws be simplified and fewer choices provided, if that were done it is doubtful if our tools would be as efficient as they are today.

"There is much talk of overlapping governmental units and considerable criticism. Much of that criticism probably comes from misunderstanding. The same territory may very well first be organized in an irrigation district; later on, when sanitary sewers are needed, a sanitation or sanitary district formed, and perhaps the building up of the area will require some type of drainage district. Each of these serves a different purpose and each one of them in most cases does its job economically and efficiently. It is noteworthy that districts formed under the Community Services District Act, which authorizes a district to be formed for many different purposes, in actual practice are usually organized for only one purpose.

"One theme which runs throughout all special district organizations in California is that the people benefitted must pay the bill, either through general taxes, or special assessments, or charges for services. This is a sound principle which prevents waste, produces economies, and fosters self-reliance. By using a special district a community does not get more government than it needs, but receives only the amount required."

MR. GILL continues: Now just one other brief comment, if I am not imposing on the Committee, Judge Leon David, a Superior Court Judge of the Appellate Department, made an address before the same Municipal Law Section of the American Bar Association the same day that Mr. Cooper made his, and the Judge has been good enough to furnish me with a copy of his address, from which I would like to read just one page, if I may, since it bears on the matter at hand. It relates to municipal law problems. Judge David was formerly in the City Attorney's Office in Los Angeles and taught Public Administration at the University of Southern California and has a degree.

BRADLEY: Mr. Gill, would you give us the date and the place of this convention?

GILL: Yes, both of these addresses were given before the Municipal Law Section of the American Bar Association in the

Biltmore Hotel at 10 o'clock on Tuesday, August 26, 1958.

Judge David is referring to the problems that the Committee has under consideration: consolidation, functional consolidation. He states on Page 23 of his address:

"Some of you have probably heard of the side-splitting volume on governmental organization by an alleged Professor Parkinson entitled 'Parkinson's Law'. The first law enunciated is that however large the triangle of organization, those within it will always divide work enough to fill it. The overhead cost for supervision and controls increase proportionately with the size of the operation, but the unit cost of governmental services only rarely are amenable to reduction through mass production. Mass purchasing does not necessarily reduce cost since the required amounts may limit competition to a few able to produce them; whereas a small unit of government may be able to secure its requirements more speedily and perhaps with less cost due to more competition.

"There are units of government so small that the acquisition of facilities and equipment for administration is beyond their fiscal capabilities. But once the basic tools have been acquired, one may ask whether one mile of street, or a mile of sewer, costs any less in the large city than in the adjacent small city. In the development of a region such as this, the same private contractors doing public work on competitive bids for the large city may well be doing it in the adjacent small city, and the cost will be comparable, reflecting the overall activity of the contractor.

"To approach the consideration of the integrated or consolidated metropolitan government with the premise that taxes will be reduced by integration or consolidation is unrealistic. We have searched in vain for instances which show a per capita reduction in tax cost."

MR. GILL continues: I am sorry that I do not have copies of the Judge's address and it is rather lengthy. That is the only portion that I think bears upon the Committee's consideration. I thank you for your attention.

BRADLEY: This Committee does appreciate the Judge's point of view. It unquestionably is a topic of this Committee's activity in getting into the field of consolidation of local

governmental units, and just where we are going nationwide in the matter of metropolitan districts and so on is a matter of considerable interest to many various organizations.

I do not wish to appear facetious, so far as the record is concerned, but I would like to observe that the part of Mr. Beebe's address which you read is unquestionably a fair and precise extract of the work the gentleman has done in this field, and which is reflected in his many presentations before the Legislature of California, and it unquestionably represents in no small degree a very important part of the functions and operations of that particular office, which of course is one that is highly respected in the bond field and in district activities of the State.

However, I will say that Mr. Beebe's activities, as well as those of another office up here in Northern California, have somewhat complicated the work of the Legislature at times in coming into the field of legislation and asking for what we have come to call "tailor-made" legislation to meet a particular problem of a particular client, and we hope to in some degree convince these two offices of the advisability of maybe amending some of our district acts instead of coming in and asking for specific new acts as often as they have in the past. I don't think it would materially hurt their operations.

Is there anything else, Mr. Gill, that you would like to add to the record?

GILL: No, Mr. Chairman. I want to thank the Committee for this opportunity to appear.

BRADLEY: Mr. Britschgi has a question.

BRITSCHGI: Mr. Rawn or Mr. Gill, do either of you gentlemen feel that these various acts we now have require specialists for their interpretation? We are trying to simplify the subject and certain other people are trying to add on, as the Chairman just stated a moment ago, so that probably the average attorney couldn't qualify as counsel for some of these districts. I am just wondering, are we perpetuating the attorneys - maybe that isn't a good question to ask for I know we have them on all sides of us - but probably Mr. Gill could answer that. I notice that we have, for example, a letter here from a man who represents about six or seven different districts, and apparently he must be a specialist. Now are we passing laws to perpetuate certain people in certain fields on this thing, or?

BRADLEY: Mr. Britschgi, in order to get the best answer to your question, I think you should direct it to Mr. Rawn; he is an engineer and Mr. Gill is an attorney.

GILL: I agree with the Chairman.

BRITSCHGI: I notice that Mr. Rawn, back here on page 3 I think it was, and Mr. Klockslem, asked the same question I was going to ask. He has a difference of opinion as to whether we should have a county counsel do the work. I'm just wondering if we shouldn't have one man probably from the county who is specialized in that, or whether we should have specialized attorneys on the subject. I think that is what is bothering me. It looks like we are insuring a livelihood here for attorneys.

BRADLEY: You are thinking of the smaller county, I presume, Mr. Britschgi, as compared to the large county.

BRITSCHGI: Yes.

RAWN: I think you will find, Mr. Britschgi, that in the smaller counties, or where the districts are not quite so large, the county counsel on many occasions does act as the counsel for the districts by choice of the districts themselves.

As I stated, the cities' directors outnumber the county members on our boards by about 10 to 1. They might stand hitched for the county counsel's office, I don't know, but I doubt it very much from the opinions which they have expressed. They feel that we are in very capable hands in the office which we have employed whose principal, Mr. Hugh Gordon by the way, was a member of the county counsel staff 34 or 35 years ago. He has guided us all that time and very capably, but he slants his opinions, of necessity, toward the County, and that just doesn't jell with some of the cities. It isn't what they want.

BRADLEY: Attorney - I mean, Assemblyman Winton.

WINTON: I would like to answer Assemblyman Britschgi's question. I have a partner who happens to be a part-time county counsel. He is the county counsel of Merced County and I would hate to see any more work thrown in his lap. That's not speaking selfishly but the county counsel has a great variety of duties, particularly in the smaller counties. He can't be an expert in all. I know we have found in our county that some of the special districts have their own counsel; they feel they get better and quicker and more expert service because the counsel they hire specializes in that particular field, whereas the county counsel, particularly

if it is a small office, has to cover everything from advising the board of supervisors to collecting county hospital patients' accounts, to advising school districts, and he cannot be a specialist in all these fields. I think in many cases it's actually more economical for the districts to have their own counsel.

BRADLEY: Mr. Biddick? We're going to get the lawyers of this Committee on the record, I can see that!

BIDDICK: I know this is bothering Mr. Britschgi a great deal because this isn't the first time he has raised the question and I think it does deserve a comment or two.

I come from a county that is a little larger than Merced County, but it's a medium sized county - it's certainly nothing like Los Angeles County - and we have the same situation. The County Counsel's staff has been growing continuously to take care of these problems. We now have four members on the County Counsel's staff handling nothing but civil matters, and their workload grows and grows. They are handling all the school districts, in addition to the county business, but the decision to hire special counsel in some of these districts, such as health districts, reclamation districts, various special districts that we have, emanates with the boards of directors of these special districts. It is their feeling that they want to have somebody who is responsible to them directly. I don't think there is anything in the nature of the laws that the County Counsel couldn't handle, or that any qualified attorney with a little experience

in the field couldn't handle; but I think it is just that the boards, as was pointed out here, want somebody who has their point of view in mind and somebody they can call on when they want and as they want.

Now there is a related problem, and sometimes I think the two may overlap in people's thinking, and that is the matter of bond opinions, and that is pretty much out of the control of the Legislature or attorneys generally. I'm sure that many attorneys would like to be in a position where their opinions would be accepted as valid and good opinions by bond houses in buying bonds, but unfortunately, bond houses tend to rely on certain offices with whom they have had experience over a period of years. I'm sure that most of the attorneys would be delighted, and many large firms too, if they could have the standing, or if their opinions would be accepted in the marketing of bonds. But that's a separate matter and one in which I don't think we can do a great deal. In the other fields, the main one, I think it's a decision of the people in the local districts that they want that kind of service, and I don't think the Legislature has much to do with it.

GILL: Mr. Chairman, I would like to add

BRADLEY: Mr. Gill.

GILL: . . . a footnote to the comments made by Assemblymen Winton and Biddick. In Los Angeles County, on this particular subject, we have a rather peculiar problem in the sense that the sanitation districts are assessed to a substantial extent -

they include I think 58 different cities within their boundaries - and they have activities that the County doesn't have, and in the course of my representation on the County Sanitation Districts I have occasion from time to time to sue the County of Los Angeles. They sue us. We negotiate. We are negotiating contracts now. I think, as all attorneys recognize, you can't represent both sides of a bargain, and recognition was clearly given to that by Mr. Hal Kennedy when he spoke recently before Mr. Beebe's Municipal and County Government Committee of the Chamber of Commerce in Los Angeles when he said in answer to a question that the County Counsel cannot represent two clients and wear both hats. It was in direct answer to a question comparable to what Assemblyman Britschgi has just asked. I think there is full recognition of that and I think perhaps in that one respect Los Angeles County is unique by virtue of its size and the overlapping character and the necessity of working with each other legally.

GEDDES: Mr. Chairman.

BRADLEY: Mr. Geddes.

GEDDES: I would like to get back to one question of Mr. Rawn, if I might.

Mr. Rawn, in going through the little block, the tabulation at the top of your large map, I notice that Sanitary Districts 6 and 7 are no longer shown, nor are Districts 10, 12 and 13. Now were those merged, or incorporated, because obviously you can't get to 8 without going through 6 and 7. What happened to them?

RAWN: They were ill timed. They were formed and organized and then were dissolved because they were ill timed.

They were formed at the request of certain of the citizens in the area but it was hopeless to carry bond issues and so the number was simply dropped. They have been substituted for other numbers; for instance, if you look up in the San Gabriel Valley you will find in there now that there are six districts. Those were all covered once, or attempted to be covered, by one district. That was either 6 or 7 or both, I don't remember which; but now there are six different districts. The districts have grown as the county has grown.

GEDDES: Well, now, has there been any consolidation of districts - of these missing numbers?

RAWN: No, sir.

GEDDES: But the act does provide for the dissolution.

RAWN: Yes, sir.

GEDDES: Thank you.

BRITSCHGI: Mr. Chairman.

BRADLEY: Mr. Britschgi.

BRITSCHGI: You were so nice to back me up a moment ago that I want to call your attention to this map. I see where they have the San Jose Hills down in Los Angeles County now. You had better watch out for that!

BRADLEY: That's the trouble with Los Angeles County!

Any further comments, gentlemen, that you wish to make to the Committee? If not, we sincerely appreciate your appearance before the Committee and thank you very much.

RAWN: We are grateful for the opportunity, Mr. Chairman, and will be glad to extend our assistance at any time.

BRADLEY: Is Mr. Eugene Sturgis present?

EUGENE K. STURGIS, Counsel, Stege Sanitary District,

Contra Costa County: Mr. Chairman and members of the Committee, I came here at the request of the Stege Sanitary District, but I also happen to have been for some thirty-odd years one of those victims that they call "specialists". My practice deals almost exclusively with bond issues, particularly assessment bond issues and district law. I am also on the legislative committee of the California Sanitary District Association. Mr. John Nejedly, whom I believe appeared before you in Los Angeles, is on vacation now but he asked me to tell you that certain amendments which he proposes to the 1923 Act will be forwarded to you in short order.

Our purpose in coming before you today is not to discuss any problem of the Stege Sanitary District. We think we have one of the best districts in the State - at least one of the most economically run districts. We built a sewage disposal plant without any bond issue so we think we have done pretty well.

Now I've given you a paper; unfortunately the district didn't have time to reproduce it for all the members but we will if you wish us to. I was informed that at Los Angeles evidence was brought before you that there are some seven to nine different machineries for creating sanitary sewage disposal systems. My findings make it much greater than that. I think there are some sixteen or seventeen different acts that are applicable. I've listed them in my memorandum.

(Mr. Sturgis's prepared statement follows.)

MEMORANDUM TO CALIFORNIA INTERIM COMMITTEE
ON MUNICIPAL CORPORATIONS WITH RELATION TO
CONSOLIDATION OF SEWAGE DISPOSAL ACTS

Stege Sanitary District of Contra Costa County, California, a sanitary district organized under the 1923 Act, and its counsel, the undersigned, wish to present the following memorandum to the Committee. The writer of this memorandum is not only counsel for Stege Sanitary District but devotes his time exclusively to special assessment bond issues and to various matters involving municipal law and special district law.

From an outline of testimony and apparent purposes of the Committee from hearing in Los Angeles, it appears to the undersigned that the problem is much more complex than was presented to the Committee in Los Angeles. Our information is that there are the following special districts and legislation that have to do with sewage works facilities and that either have the power or are operating sewage works facilities. They are as follows:

1. Sanitary Districts (Health and Safety Code, Section 6400 and following).
2. Public Utility Districts (Public Utilities Code, Division 7, Sections 15,501 and following).
3. Resort Districts (Public Resources Code, Division 10, Sections 10,000 and following).
4. Community Services Districts (Government Code, Title 6, Division 2, Sections 61,000 and following).
5. County Sanitary Districts (Health and Safety Code, Part 3, Sections 4700 and following).
6. Sewerage and Water Districts (Health and Safety Code, Division 5, Part 3, Chapter 8, Sections 5500 and following).
7. County Water Districts (Water Code, Division 12, Sections 30,000 and following).
8. Municipal Utility Districts (Public Utilities Code, Sections 11,501 and following).
9. Sewer Districts Acts of 1899 (Health and Safety Code, Sections 4659 and following).
10. Joint Municipal Sewage Disposal Districts (Health and Safety Code, Sections 5700 and following).
11. Regional Sewage Disposal Districts (Health and Safety Code, Sections 5900 and following).

12. Joint Contracts (Government Code, Sections 54,800 and following).

13. Cities with their powers to construct and operate sewage disposal systems.

14. Sewer Districts in Unincorporated Territory Act (Health and Safety Code, Sections 4659 and following).

15. Sewer Maintenance Districts as follows:

A. Sewer Maintenance Districts organized under the Health and Safety Code, Division 5, Part 3, Section 4, Sections 4860 and following).

B. County Sewer Maintenance Districts organized under the provisions of the Improvement Act of 1911 (Streets and Highways Code, Division 7, Part 3, Chapter 26, Sections 5820 and following).

C. County Maintenance Districts organized either in County, County and City, or City only, under the provisions of the Municipal Improvement Act of 1913 (Division 12, Chapter 2, Sections 10,107 and 10,108, Streets and Highways Code).

It is the information of the undersigned that, in addition to Sanitary Districts and County Sanitation Districts maintaining sewerage disposal systems, that there are the following other Special Districts that are operating complete sewerage disposal systems:

1. Twenty-three (23) Public Utility Districts (perhaps more).
2. Eleven (11) Community Services Districts.
3. Three (3) Sewerage and Water Districts.
4. Six (6) County Water Districts.

We have listed Sewer Maintenance Districts all under one heading because Sewer Maintenance Districts are absolutely different in principle from the ordinary operation of sewage disposal facilities. Sewer Maintenance District procedure should not be eliminated and neither should they be disturbed. It might be possible to consolidate all of the procedures of the Improvement Act of 1911 or the Health and Safety Code and then give powers under the Improvement Act of 1911 and the Municipal Improvement Act of 1913 to organize such districts in accordance with such procedures. This is the only change that should be made, however, if any is made. The reason for this is as follows:

The function of a County Maintenance District, or any Maintenance District, is primarily to devise a method whereby the cost of maintaining sewers in a sparsely settled area can be levied upon the area

which has the sewers to maintain. What has happened is that either a developer of property has built a sewer system for a small settlement and perhaps built a small cesspool, or a small disposal system, and the area does not have sufficient assessed valuation to warrant organizing a sanitation district with its separate boards, elections, etc., and therefore the simple device of a maintenance district is created whereby a taxing area is created. All that a maintenance district is is a taxing area. What it does is enable the board of supervisors to levy a tax on the particular area and then have county personnel, that are engaged in maintaining sewers generally throughout the county, take care of the particular area. They are a very useful device and have saved the taxpayers much money. Ordinarily as development takes place these areas become parts of sanitary districts or city or county sanitation districts and then the maintenance districts are dissolved.

So also the device for creating maintenance districts under the Improvement Act of 1911 and the Municipal Improvement Act of 1913 is very useful. The same thing takes place. The sewers are built in an area that does not have a sanitary district and probably doesn't warrant its organization. Therefore, simultaneously with the improvement project, a maintenance district is created enabling the supervisors to levy a tax upon the area, using county equipment for the maintenance and it remains that way until such time as the area is dissolved into another one. A perfect example of this is found in the Town of Anderson in Shasta County. Many years ago there was one maintenance district and then later on there was a second maintenance district as the area grew. Finally the Town of Anderson was incorporated and both maintenance districts became merged into the city system and the city system became the property of the city. In the meantime they had served a very useful function.

It happens also that some counties would rather keep the operation and maintenance of the sewers under the jurisdiction of the county and as areas become developed and populated enough to either be a city or form their own sanitary districts, they have sufficient background of assessed valuation to take over the work.

Sometimes areas make mistakes. A perfect example of what should have been a maintenance district instead of a sanitary district is found in Central Lassen County where a developer put in some cottages and built a sewer disposal system. The people decided to organize a sanitary district. After they had it all organized they found they didn't have enough assessed valuation to do anything with the area and as development took place they couldn't enlarge the facilities. They finally had to abandon it, turn it back to the county, and it became a maintenance district.

Maintenance districts have served and serve a very useful function at great savings in money to the taxpayers and they should be maintained.

MERGER OF FUNCTIONS

A review of the large number of districts which operate sewerage disposal systems makes it a very complicated problem for the legislature to determine where the merger should be. The largest number of sanitary disposal systems outside of cities are operated by sanitary districts organized under the 1923 Act. This Act and its predecessor, the 1913 Act, which was very similar in form, have been effect now for nearly 40 years. Amendments and adjudications under it have made it a pretty workable act. Sanitary districts answer a need for a local area that has sufficient assessed valuation and wants to solve its own problems to undertake the project. They elect their own board, solve their own problems and do not have to trouble the board of supervisors about everything they want. Many areas are ideally suited to this type of project.

If there is any thought of eventually consolidating the functions of sewerage disposal systems, in the writer's opinion it will take a five to ten year study of method and a five to ten year program of legislation to effectuate that end.

There are only six county water districts maintaining sewerage disposal districts and 123 sanitary districts. No argument for merging the functions of sanitary districts and water districts into the County Water District Act is valid. In the first place, if the County Water District Act had been superior, many more would have used it. Arguments that the annexation provisions are simpler are specious arguments because if there are difficulties in the annexation procedures of sanitary districts, those can easily be amended.

The argument that there is no debt limitation for county water districts whereas there is in sanitary districts is, from the standpoint of the undersigned, a very invalid argument.

In the first place, debt limitations on districts, cities and counties, have proved over the years to be a very healthy brake. Everybody would like to have every facility that is convenient for them to have. However, districts, cities and counties cannot always afford what they would like to have.

Furthermore, the argument that a district should have no limitation on its bonded debt is, from a practical standpoint, without meaning. Underwriting houses that buy general obligation bonds recognize the help of limitations of bonded indebtedness. There is no county water district existing which has a bonded indebtedness in excess of 20% to 25% of its assessed valuation. If any district tried to exceed that amount of percentage of its assessed valuation, it couldn't sell the bonds, whether the people voted such bonds or not. Everyone would like to think they can spend as much money as they like but the practical limitations of sound finance, as well as a healthy brake upon representative government's right to spend money without a vote of the

people, are both good reasons for such limitations. The argument that county water districts have no limit on bonded debt is not an argument at all. As a matter of fact, it is rather an argument against such districts.

Every sanitary district and other public district recognizes the vast press of population. Sanitary districts that we know of all are planning for accumulation of funds aside from usual bonded debt to take care of future needs because they recognize they have to. Stege Sanitary District accumulated the entire funds for building its sewage disposal plant without a bond issue. Central Contra Costa Sanitary District of Contra Costa County, which is one of the largest 1923 Act Districts in the State, is accumulating money from connection fees and other charges aside from bond issues because it realizes it must in order to meet the needs of the district and that bonded indebtedness for all of the money it will need is legally and practically impossible.

If there is to be any merger of districts, the merger should trend toward the merging of all district functions in Community Services Districts. That law was enacted so as to try and prevent overlapping districts and under the theory of that law, a district can organize for any one purpose and then as the need arises, take on other functions. Some of these questions of overlapping districts are much more important than any question of consolidating the sewage disposal acts. I know of two areas where there are five overlapping districts. They haven't even had an election for eight or ten years because of the enormous trouble involved. Now the setup is so complex that they don't know what to do. If simple procedures for consolidation of all district functions, aside from sewage and water, were permitted so that they could merge and consolidate into Community Services Districts, that is the most helpful kind of study that could be made with relation to district laws.

How is this committee going to consolidate sewage disposal functions? What are you going to do with public utilities districts, resort districts, county sanitary districts and city sanitation districts? City sanitation districts, for example, perform a very useful function. The City of Richmond in Contra Costa County, for example, recently organized a municipal sanitation district for the purpose of giving it a separate tax base for a bond issue.

County sanitation districts have their place and function. In some places they have worked beautifully. Frequently they work best in a county which is comparatively level in character and where the sewage disposal problem is relatively uniform throughout the county. They also have become a practice in some counties, and some counties would rather operate under county sanitary districts than they would sanitation districts, such as some counties would rather operate under maintenance districts until cities develop, or there is a heavy population which warrants the creation of a sanitary district or a community services district. Some counties have encouraged the organization of community services districts. Some counties have encouraged the organization of public utilities districts.

Whether all special districts should be prohibited from handling sewage or sewage disposal systems is a question. Certainly sanitary districts organized under the 1923 Act should be left alone until the problems of sewage disposal with all of these other districts are solved. Sanitary districts have some 123 systems and the sewage disposal systems of every other district are simply scattered and occasional in their use. The only districts that are at all comparable with sanitary districts are county sanitation districts and those are probably serving harmoniously in the area where they use them. County sanitation districts place a much greater burden upon a board of supervisors than sanitary districts and some counties don't want any part of such districts for that reason.

The number of county or city maintenance districts is, in the opinion of the undersigned, of absolutely no importance. We are surprised that there were no more of them than the number announced at the Los Angeles meeting of this committee. We point out they have a very useful function and that they have saved the taxpayers a great deal of money in the organization of districts and in the handling of sewage.

As for one other matter which was brought up at the hearing, to-wit, use of the District Attorney's office for legal purposes of sanitary districts, that is a matter of policy. However, the writer's observation is that most District Attorney's offices are generally busy anyway. Most of them are understaffed and most of them would much rather that the functions of Sanitary districts be handled by the local areas. Furthermore, the whole theory of sanitary districts is that here is a local area which has a problem and should solve its own problems. It is therefore right and proper that the solution of those problems should rest with the local board and that they should appoint their own counsel and solve their own problems rather than run to the County with every problem they encounter. They have worked out very satisfactorily in practice and I think that most County Attorneys and most sanitary district attorneys would agree that the present method is the simplest and has worked out best for all parties concerned.

There is no one solution possible to this problem of merger at all. The writer's suggestions are:

1. There is a possibility, with careful study, of merging the sewer maintenance district procedures.

2. The Sewage and Water District Act (Health and Safety Code, Sections 5500 and following) and the Sewer Districts in Unincorporated Territory Act (Health and Safety Code, Sections 4659 and following) might just as well be repealed because they are so little used and so much interfere with other existing Acts that their function has long since ceased to be of any value to the State.

The Sewage and Water District Act (Health and Safety Code, Sections 5500 and following) is so little used that it couldn't be merged with the County Water District Act.

Any other merger should have hearings and policy legislation directed toward eventually consolidating all types of special district services in the Community Services District Law, if there is to be a consolidation or merger.

Finally, it is questionable whether this should be done because the various types of agencies for the handling of sewage suit particular areas and what is necessarily suitable to one area does not always suit another. No merger can be effected, in the opinion of the undersigned, without many years of study of all of the legislation involving sewage and determination after extensive hearings as to what direction such should take.

The population of California is becoming so large and its geographical and other problems so complex and varied that no one type of disposal system or district is going to suit everybody.

Take the existing situation. I am fairly familiar with it in Northern California, although not so familiar in Southern California. The County of Santa Clara, for example, where the Chairman of your Committee comes from, has organized county sanitation districts, I believe to the extent of about seven, and that system seems to work pretty well with them. The adjoining County of Alameda, which is the third largest county in population in the State, has absolutely no county sanitation districts. That county has chosen to feel the best operation is with sanitary districts in the unincorporated areas. Some of the largest sanitary districts in northern California are in lower Alameda County. The five major cities in Alameda County are in turn served, as far as their sewage disposal system is concerned, by a municipal utility district. Santa Clara's adjoining county up the Peninsula has three county sanitation districts and eight or nine sanitary districts. The County of Marin, across the Bay to the north, has only one sanitation district and that is a county sanitation district which comprises the City of San Rafael. Everything in the county is operated by sanitary districts otherwise, and the Board of Supervisors has not encouraged the use of sanitation districts. Sonoma County to the north of that, however, operates almost exclusively with county sanitation districts. Napa County has a couple of sanitation districts but as you proceed north into Colusa County and Butte County you will find some public utility districts operating sewerage disposal systems. North in Shasta County and Siskiyou and Modoc Counties you will find a dearth of either county sanitation districts or sanitary districts and they mostly operate directly under county jurisdiction with maintenance districts until they become consolidated into cities or sanitary districts. Trinity County has operated now under sanitary districts. Humboldt County operates

by sanitary districts, as does Del Norte County. The mountain counties have operated by public utility districts and sanitary districts substantially, although as you come into Sacramento County it has some county sanitation districts.

These are only illustrative to the principle that what suits one county does not suit another and that there is no fixed rule as to what is the most satisfactory method of operation for the very diverse geographical, physical and population figures throughout the State of California.

Respectfully submitted,

STEGE SANITARY DISTRICT,
Contra Costa County

EUGENE K. STURGIS, Counsel

MR. STURGIS continues: You have everything from sanitary districts and county sanitation districts, public utility districts, resort districts, community services districts, county sanitation districts, sewerage and water districts, county water districts, municipal utility districts, sewage and the Sewage District Act of 1889, joint municipal sewage disposal district, regional, joint contract rights, city, and cities with their multiple legislation, and the powers with relation to the things within the cities and by joint contract with other districts.

You have the Sewer Districts in Unincorporated Territory Act, and then you have three different categories of maintenance districts. One of them is in the Health and Safety Code, one in the Improvement Act of 1911, and one in the Municipal Improvement Act of 1913. The one in the Health and Safety Code and the Improvement Act of 1911 are basically similar in character. The Municipal Improvement Act of 1913 makes some extension of the powers of the other two because it permits the creation of maintenance districts in cities alone, which the others do not do.

I have mentioned sewer maintenance, and in addition to that you have other categories that I think make the problem that is confronting you very complex. For example, you have a large number of special sewage disposal districts that have been created by direct act of the Legislature. Solano County deals almost entirely in those. You have the Vallejo Sanitation and Flood Control District; you have the Fairfield and Suisun District, both of which are direct acts of the Legislature. You have, I know, in the North Tahoe region a public utility district that is a direct act of the Legislature. By special enactment you have Solvang down in Santa Barbara County, and there are others - Montalvo - that's a name that comes to me. There are others I could mention but undoubtedly you have the lists. However, there is another problem because those are sewage disposal districts, or service districts, that are handling sewage by direct act of the Legislature. They are not merely empowering acts.

I have put sewer maintenance districts in a different category from these other things. Of course there are two other factors that you have to think of; I mean, these things have to do with merely the creation of the machinery for a disposal system.

You have then a series of acts under which you can do construction. Many of these acts provide for general obligation bond issues. There are other acts, however, that provide for construction and the procurement of rights-of-way.

There is a third facet to it because you have some direct legislation that is not in any one of the acts, having to

do with the method of financing, particularly with revenue bonds. Then you have three different acts with relation to the ability to finance by revenue bonds, in addition to the machinery that is in some of the acts themselves with relation to financing.

If you are going to consolidate these acts, you are going to be confronted with a complicated situation. I don't know how many there are now, but I know I made a check a few years ago and of course you can get the present situation by consulting the State Water Pollution Board because every agency in the State, no matter what type it is, that wants to dispose of sewage now has to get a permit from that board with relation to the type of affluent. But there were at least some 23 or 24 public utility districts, I think, and as Mr. Rawn said, there are about 80 county sanitation districts, about 123 or 124 sanitary districts, and there are six county water districts that I know of and perhaps there are more. There may be 3 districts under the Sewage and Water District Act. I don't think that there have been any districts formed under the California Resort Act. I know of none under the regional acts. There are a couple of joint contracts but there are none that I know of under the Sewer District Act of 1889.

As a consequence, you have a varied and complex problem. Sewage maintenance district acts are in a different category than the construction type district acts. Historically, sewerage maintenance districts have been a very valuable thing for California because of the way they originated and the function they have served. When the State was more sparsely settled, developers sometimes would

put in a sewer system, maybe only a cesspool, or maybe he had made some deal with an adjacent city or some sanitary district. Well, then the sewers had to be serviced, and when the area wasn't rich enough in assessed valuation to warrant the organization of a sanitary district, or a sanitation district, consequently a maintenance district was organized which enabled the county to levy a tax in the area and then use county forces to go out and maintain those sewers; and if they had a lot of them in the county, using the county to maintain sewers in the area was the most economical method. Of course as the population density increased, as cities, for example, have absorbed entire areas, and as sanitary districts have come along and taken over certain of the functions, the need for maintenance districts has gradually decreased as the population has increased. But believe me, historically, and even in some places now, they serve a very useful and economical function as far as the maintenance of sewer systems is concerned where you don't have a general sewage disposal system that you can tie on to.

I know that in Contra Costa County where they have about nine or ten 1923 Act districts and a couple of public utility districts, they have gone in and organized the drainage areas of the county into county sanitation districts. They don't have a sewage disposal system yet, but they hope eventually that everything in the County will have to tie in either to one of the 1923 district systems or into one of the county sanitation district systems, as the county sanitation district system acquires facilities for the disposal of sewage in areas where there are not already systems.

So I differentiate county maintenance districts from your general districts and your general district problem because of the function that they have served. It is entirely possible that the maintenance districts provided by the two improvement acts and the Health and Safety Code could be consolidated either into the Health and Safety Code or into one of the improvement acts, or it is entirely possible as an alternative that if the maintenance district functions are still necessary, which they will be, that that might be put into the General County Services Act. The trouble with that is you also have maintenance districts in cities where there have been complete systems established. There are some cities that are served by sanitary districts, Stege being one of them, and there are many cities where that situation exists.

A situation where you have a perfect picture of what has happened is in the Town of Anderson up in Shasta County where their sewer system was built by a maintenance district about 1950, and later on they built additions to this system and created another maintenance district; then the Town of Anderson incorporated and both of the maintenance districts have become absorbed into and have become a part of the Town of Anderson which is now operating the sewage disposal system.

Sometimes also, like in Los Angeles County, there are areas that make mistakes. I know of an area in central Lassen County, for example, where a developer put into a resort area a small disposal tank and a system for the area. Well, it needed maintenance, so the people, many of them retired, got together and

organized a sanitary district with practically no evaluation. Well, they soon found that they had to make repairs and enlarge the system, but they had no way of financing it so they went to the county for help. Finally they had to dissolve the sanitary district and become a maintenance district, so the county levies a tax and maintains the facilities, together with other such areas that they have in the county, at a minimum of expense to the taxpayers.

Now I don't think there is any one solution to it. I am a bond lawyer and I think that with all due deference to his long experience and vast public service, which all of us who are in this business know, Mr. Rawn, I don't agree with your statement that the consolidation of some of these acts is necessarily going to affect bond issues. I do agree with you completely, however, that the philosophy of the 1923 Act and of the county sanitation district is totally different. Almost all of the county sanitation districts are in the flat area of southern California. I can't tell you all about southern California, but I am pretty well informed about the northern part of the State because I have operated in most of the counties in northern California. You take the county from which your Chairman comes; I think they have some seven county sanitation districts and they have apparently operated very smoothly and very successfully, particularly where there are cities involved. Where there is only county and unincorporated area involved, there is the objection that the board of supervisors is burdened with carrying on the entire operation, or perhaps it becomes a function of one man.

On the other hand, if you take Alameda County, which is the third largest county in the State, it has no sanitation districts whatsoever. It has sanitary districts, and the five major cities are served by municipal utility districts for their sewage. This county has two of the largest sanitary districts under the 1923 Act in the State. One of them is a merger of four sanitary districts, the Union Sanitary District, which comprises the City of Fremont, one of the largest cities in the State in area although not in population of course. They seem to be satisfied with that.

San Mateo County, the other neighbor of Santa Clara County, has eight or nine sanitary districts, two county sanitation districts, and a public utility district. If you go north of the Bay, Marin County has one sanitation district but that is the City of San Rafael only. They have twelve sanitary districts and the county board of supervisors want no part of sanitation districts for the reason that the terrain and the drainage basins are such that they feel the problems are problems of local areas which the machinery of the 1923 Act is better suited to solve than the county sanitation district, and they don't feel that the board of supervisors should be burdened with it.

If you go north to Sonoma County, they have a number of sanitation districts. Humboldt County has a sanitation district. Solano County has two major special purpose acts enacted by the Legislature. If you will go further into the northern part of the State to Del Norte, Lassen, Shasta, Modoc and Placer Counties you

will find that almost universally up there they are served either by public utility districts or by 1923 Act districts. For example, the whole City of Weaverville now is served by a 1923 Act district. Many of them are. As you go over to the mountains and south you will find a number of public utility districts, like in Placer County and in the North Tahoe district.

Down in the Central Valley, also in Kern County and in Fresno County, you will find that they have been operating their sewage disposal plants for quite a long time with public utility districts. The pattern is not universal. Butte County I think has a public utility district; Sacramento County, on the other hand, has operated pretty well with its county sanitation districts. Yolo County has sanitary districts. Well, I mean, there's no point - I can't recite all of them to you but generally speaking, your county sanitation districts are very widespread down south like in Los Angeles, Orange and Riverside Counties. If you will view the pattern, you will find that there have probably been reasons for this.

Contra Costa County, one of the large counties of the State, as I say has ten sanitary districts, and now, in addition to the city disposal systems, has organized these sanitation districts which as yet have served no function.

The county water districts that serve sewage are mostly in southern California. In Contra Costa, which uses canal water for the largest of the county water districts, I can assure you they want no part of sewage disposal, and if it were attempted to

merge their functions and force them to do sewage disposal, you would have a revolution on your hands and a hotbed of rows. Now, I don't think quite like Mr. Beebe does with relation to this question of merger. I think there are too many districts; I think that districts grew up naturally as the needs in particular areas arose. On the other hand, there has been special legislation sometimes to create districts or create a type of district that certain people wanted because they desired the power to perform certain functions. You take, for example, the question that I am informed was raised in Los Angeles about the county water districts being more desirable for the reason that they have no debt limit. From my point of view that's all wrong. Of course I'm a bond lawyer and I make my money from bond issues, but I want to tell you that there are two reasons, one of them theoretical and the other practical, why no limit on bonded indebtedness is wrong, and those particular acts that don't have a limit should be amended to provide one. There are only three California acts, I believe, which do not have a bonded limit; one is the County Sanitation District Act; one is the Sewage and Water Districts Act, which ought to be repealed because only a couple of situations use it; and the third one is the County Water District Act.

A brake on public expenditure, or a relationship of bonded indebtedness to assessed valuation, historically has shown us that if practically all of the other districts use it, it is an indication that under our system of government it is desirable that there shall be some brake upon public expenditure and that there

should be a bonded indebtedness limit. All of us would like to buy Cadillacs if we could afford it, but we can't afford it; and the ratio of 15 or 20 or 25 percent of your assessed valuation to your total bonded debt has in the years past proved to be a very healthy relationship.

Now there is a second and very practical reason why such a limit doesn't mean anything. People who buy bonds want good security and I don't think that anyone can point to a district that doesn't have a limit on bonded indebtedness where they have actually been able to float a general obligation bond issue in excess of 20 or 25 percent of their assessed valuation. In other words, there's a very practical limit to what bond buyers will buy because of their own historical knowledge of what a healthy bond issue consists, as well as the actual condition of the law itself. This doesn't impose a limit upon the amount of bonded indebtedness you can make, and as far as I am concerned, any act that doesn't have a limit of bonded indebtedness on it with relation to its assessed valuation is out of line with all of the rest of the legislation that does. Cities have it; counties have it; practically all districts have it; why can't these three districts have it? I think it's sound legislation and sound thinking, and I think it's unsound thinking and unsound legislation that says they should have unlimited bonded indebtedness.

Now, I think the problem that you have has to do with much more than sewage. You said you devoted some time to fire districts, but I can name you, for example, areas in California

where your problem is one of overlapping districts rather than overlapping of functions of different districts. I can name you certain areas in northern California where they have five overlapping districts in the same area and they haven't held an election for ten years because it is too much bother. Legislation that would ease and permit the merger of such districts into either the Community Services type of district, or some other type, is in my opinion very healthy legislation and should be done if it can be worked out. I think that anything of that sort is going to require a considerable amount of study.

The theory of the Community Services District when it was set up was that you can organize a district for one function if you wish, but if the need arises to take on additional functions like police, fire, sewage disposal, water, you could use the machinery in the Community Services District Law where you can take on that additional function. That was to correct what has existed all over California for so many years where, if you wanted a fire protection district, you organized it, but then if you wanted a police protection district in the same area, there was no machinery in the fire protection district law to enable you to add that function. So, in theory at least, whether it will work out in practice, the type of district law which permits a district to take on a function and then if it needs to take on additional functions in that area, or drop a function, is the ideal and right type of legislation as far as district legislation is concerned. I don't think anyone can blame the Legislature, or can blame any

one area for the situation which has grown up with all of the overlapping districts. What happened was that when an area needed a particular type of service, probably they got together at the time the need existed and most of this legislation went on the books long before our terrific influx of population took place. Therefore, a great many areas were sparsely settled and had small assessed valuations, and as a consequence, they weren't able to support expensive districts and had to do the best they could with the assessed valuation they had. So they came to the Legislature and said, "Look, our area has fire protection but we need police protection", so they put into legislation a law for a police protection district; or they said, "We need sewers," and that is what led to the enactment, I guess, of this 1889 Act, or this sewer district act providing for sewers in unincorporated territory, which is useless today. Just like in the revenue bond laws - the three that are on the books. I've forgotten the section of the Health and Safety Code, but there is one of those laws that requires a vote by property and not by the people. It is never used and never will be used. From my point of view it might just as well be taken off the books.

There are numerous things like that which can be done, but who is to say that you can eliminate public utility districts from providing sewage disposal; maybe you can, but I think it is going to take ten years for you to do it. In some of these areas, for example, that have sanitary districts or that have public utility districts, like down in Fresno and Kern Counties, where

there are half a dozen of them that are doing sewage disposal, you're going to create a local political situation, as well as a legislative situation, if you say, well, you can't handle sewage.

I think that the approach to it is perhaps eventually to take these powers away from those districts and make enabling legislation that will facilitate their merger with some type of district where you can have the multiple type of services. You won't even then answer every question since some districts figure they have special problems. We in Stege Sanitary District, for example, and I'm only citing it as an illustration because there are others of the same character, handle the sewage for the entire City of El Cerrito, a portion of the City of Richmond, and unincorporated area around it about equal in extent to the area of the City of El Cerrito. It's in a drainage basin all of its own, and from our point of view, is one of those situations where ideally the problems can be solved locally because our relationship to the city is much closer than it is to the county, and our problems are solved basically by consultation with the city and not by the county board of supervisors.

Generally, just as Mr. Rawn has pointed out to you, where you have multiple cities involved in county sanitation districts, you are much closer to the cities than you are to the counties. The Central Contra Costa District, one of the largest districts in the State, has solved the problem for that particular area without disturbance to the county functions as a whole.

And that relates to another question which has been brought up and discussed by the lawyers present, and I agree that

it doesn't take a specialist to represent a sanitary district or a county sanitation district. As a matter of fact, I have been very frequently requested to act as counsel for sanitation and sanitary districts and have refused on the basis that you should get local counsel if you possibly can who can come to all your meetings and who is right at hand to talk to you when you need him. I mean, if you need me for bond issue purposes, that's fine, but it's not too difficult for the average lawyer to learn the rights and powers of sanitary or sanitation districts, and he is much closer to the picture. I agree from my own observation and experience with county counsels that they are already over-burdened with work and most of them that you talk to, whether it is the District Attorney's Office or the County Counsel's Office, don't want to be burdened with this district work if they can avoid it.

Now, specifically, while this memorandum of mine was gotten up in some haste, if I wanted to or if I had the time, I could furnish you with a memorandum several times its length with specific laws both with relation to finance and to construction. Remember, you have a large number of statutes with relation to construction of sewers that you have to deal with. You also have the problem of cities wherein they create, sometimes within the city itself, a municipal sewer district which they have the power to do under some of the laws because they want to create a different tax base and have a separate organization for their sewage disposal system. You have to think pretty carefully before you eliminate those.

The powers and functions of cities with relation to sewage disposal are in some ways tied in with the powers and functions and the duties of sanitation districts and sanitary districts. I would say, number one, that there is a possibility with careful study of merging sewer maintenance district procedure but it would have to be done very carefully because I don't think that sewer maintenance districts are yet obsolete, although some day they may be. They have performed a very useful and tax-saving function. I think that the Sewage and Water District Act found in Section 5500 of the Health and Safety Code could be repealed. There are a couple of them that nobody uses any more. The Sewers in Unincorporated Territory Act found in the Health and Safety Code I think could be repealed. The Sewage and Water District Act in Section 5500 of the Health and Safety Code could be repealed. I've forgotten the sections in the Health and Safety Code having to do with this type of revenue bond, but I feel that that could be repealed. Also, there should be study given to the problem, and procedures added to all of the Acts, that would facilitate mergers.

As to the County Sanitation Districts and the 1923 Act, with different philosophies and different points of view, I think if you attempted to merge them into the same procedure you would have a political hotbed on your hands as well as a lot of legal entanglements because there are a lot of counties that want no part of sanitation districts. On the other hand there are some counties that prefer to operate with the sanitation districts and don't care particularly for the 1923 Act. I don't think the consolidation into one act, or one division of the code, is going

to do any harm, but I can't see what particular good it is going to do because of the different philosophies involved in them. But there certainly is a lot of room for study and legislation, from my point of view, in the facilitation of the gradual merging of all of these districts that perform single functions into a type of district where they can do any kind of function they need to do in the particular local area.

I very greatly appreciate the opportunity to have been here and to have taken so much of your time in a discussion of these problems. If there are any questions that any of you have, I will be very glad to try to answer them in what time there is left.

BRADLEY: Mr. Winton has a question.

WINTON: Mr. Sturgis, have you represented or handled any county water districts which do sewage work?

STURGIS: No. There are only six of those in the State and I think they are all in southern California.

WINTON: I notice that we had a letter given to us before our Los Angeles hearing about county water district acts, and this particular letter pointed out that they feel there are many advantages in the County Water District Act over the Sanitary District Act of 1923. They point out, first, that the County Water District has just as many powers in regard to sewage as the sanitary districts. They point out that the County Water District has no tax limit, as you mentioned, for general bond limitation, but they also have no tax limitation on their tax for the general fund. . .

STURGIS: I don't think that's a virtue either.

WINTON: Well, I'm not disagreeing with you. In this letter they point out another thing which I think might bear a little more discussion and that is that under the County Water District Act either contiguous or non-contiguous territory can be annexed, and the procedure is the same and quite simple. Under the Sanitary Districts Act, non-contiguous annexations now appear to be outlawed, but even where they were permitted, the procedure was much more complicated. I wonder if you have any comment on that annexation problem under the 1923 Act.

STURGIS: I don't think that the annexation problem is a very material factor. I think that the basic question is, philosophically, is the 1923 Act or the County Sanitation District Act right for the purposes they serve. If there are awkwardnesses in the annexation procedures, let's make them simple. Just as I pointed out with fire protection and other districts, if they want to merge into a Community Services District, there is no procedure in the law for them to do it now. I mean, I don't think that's a factor; I don't think it makes a bit of difference.

WINTON: Just off the cuff, you might say, in reading this letter I think perhaps we might look into overhauling the County Water Districts Act because also another virtue they say is that a County Water District may award any contract in any amount without the necessity of public bidding procedures.

STURGIS: That's right, and I don't think that's a virtue either.

WINTON: And a County Water District is not subject to general law budget requirements which are applicable to sanitary districts.

STURGIS: I can't say that I think that's a virtue.

WINTON: And the last point they have in favor is that in a County Water District, general obligation bonds may be voted for only a portion of the district which may not be done in sanitary districts.

STURGIS: Well, that's not true; in annexed territory we can. In fact, we do that frequently. And you can also create bond areas within county sanitation districts.

WINTON: You mention that you know of approximately six county water districts that do handle sewage. Do they handle water or are they organized principally for sewage, do you know?

STURGIS: I think they were organized originally for water and then probably it became convenient for them to take over the sewage function. As I say, I can't give you all the history of those.

WINTON: I can understand that.

STURGIS: In order to really get the picture you would have to study each one of those districts and find out what the history was. I do know there are some municipal utility districts which under some circumstances can handle sewage, but there is only one in the State, I believe, and that's the Alameda County one. That has to be composed of several cities, but there isn't ordinarily the desire on the part of municipal utility districts to want to handle sewage either; there has been quite a battle to get them to do it.

BRADLEY: Mr. Biddick.

BIDDICK: Mr. Sturgis, I would take it then, just summarizing your general conclusions, you think that probably trying to provide for a single simplified type of act, as we suggested, would not be feasible, but that there is tremendous room here for objective study and for removal of obsolete sections, for combination of acts, and for improved procedures.

STURGIS: Very definitely, a tremendous field, and there is a tremendous field also for the machinery to merge overlapping districts into a unified district that can perform the same functions. As I say, imagine districts that legally are supposed to have an election every two years but they haven't had an election for ten years because it's too much bother.

BRADLEY: Before you go any further, Mr. Biddick, I would like to clarify that point.

BIDDICK: I didn't mean to say that we had suggested that but that was one of our topics.

BRADLEY: Maybe Mr. Sturgis would like to enlarge on your specific point as to whether or not there could be any consolidation of some of these acts - at least some of them - into a composite act. Do you feel that . . . ?

STURGIS: A composite act? I have already indicated to you that I think there is a distinct possibility, if it were carefully worked out, of all the sewer maintenance districts' procedures being worked into one act. I think that some of these acts can be repealed; I think many no longer serve any useful function. Now whether or not you would run into a stone wall with certain civic groups and others if you repealed the Resort Districts Act, which

is a peculiar kind of an act, and which has the power of sewage disposal, becomes a question of legislative policy. But, philosophically, the ideal district act, from my point of view, is one that will permit a district to take on certain functions, and then if they want to add more functions, add them, with the machinery for doing this.

BRADLEY: If we restricted our activity to the so-called nine single-purpose sewer district acts and left the Sanitary District Act of 1923 alone, the County Sanitation Districts Act alone, and the Municipal Sewer District Act of 1911 alone, what would be your general opinion as to the possibility of consolidation of, for instance, the Sewer Maintenance District Act with any of these others?

STURGIS: Well, as I have told you, I think the Sewer Maintenance Districts are basically a creature of a different character than the single-purpose acts. The Sewer Maintenance Districts are basically districts which are organized as taxing areas, not as living entities. The difference between a sanitary district is that it has a board of directors that is elected, they can legislate, they can pass ordinances. So can a sanitation district, but a maintenance district is not that kind of a creature; it's a taxing area, like a special assessment district, whereby there is an area created that the supervisors have the power to tax.

BRADLEY: I understand that.

STURGIS: That money goes into a fund which is used basically for maintenance of existing facilities.

BRADLEY: So you feel that should be left alone?

STURGIS: No, I didn't say that; I said there is a possibility of consolidating the Health and Safety Code Maintenance District provisions, of the Improvement Act of 1911, and the Maintenance District provisions of the Municipal Improvement Act of 1913 into one act. Possibly it could be done under the County Services District Act in the Government Code; I haven't given it a detailed study but I think that's a very definite possibility - and perhaps a salutary one.

BRADLEY: I'm sorry I interrupted you, Mr. Biddick. Please go ahead now.

BIDDICK: That's all right, Mr. Chairman. I was trying to get your general approach, as I understood it, preparatory to asking another question, and that was, what would be your recommendations as to machinery by which we could go about reviewing this and getting some recommendations? As you know, during a general session of the Legislature you have a tremendous number of individual bills. It's difficult to take an objective look at this. During the interim session we can take a longer look and still the Committee can't sit here and write and re-write a number of laws. I mean, we are just not so constituted that we can do that, but as an interim committee we can study sweeping suggestions for change if those changes are brought to our attention in conjunction with our Committee Consultant and our people - with the cooperation of many like yourself who have been in the field for a lifetime. So, I was wondering if we could have some concrete suggestions as to what you think might be a good procedure.

STURGIS: I would say the best remedy as far as you are concerned, is to get the 1959 Legislature to appropriate enough money so that you could hire adequate staff to study these problems because, believe me, from my point of view they require some study. You can't do it with just one man and a small staff. You have to know the history and the functions of every type of district and you are probably going to have to check every district to see what it does. Then you are going to have to take it up with the local areas and get agreement, because you can't just boldly enact legislation and say, here it is, without having a hailstorm descend on you. I would say that the principal factor in that matter is money for research to present to this committee. Obviously, you individual members of the Committee can't take the time to do it and you have to have someone to present it. If my district authorizes, I will be very glad to present some things to them which I think could logically be done - specific bills, if you like - for your consideration.

As I say, I have never tried to lobby; I have never tried to get legislation through. I have felt that as a bond lawyer I would live with whatever legislation the Legislature enacted. I haven't felt it was my function as a bond lawyer to lobby in the Legislature for special legislation, but anything that we propose here has no ulterior motive or purpose other than what we think would make sound legislation. We have no axes to grind from the Stege Sanitary District - and I represent indirectly a number of others - and we think county sanitation districts serve a very useful function. However, philosophically, we think they are different.

BIDDICK: Thank you very much.

BRADLEY: Mr. Farrell has a question.

FARRELL: You mentioned Maintenance District Acts; the Maintenance Districts Act under the Health and Safety Code provides for a governing board, and so forth, but the thing that I was wondering was, could this be a consolidated, composite type of district act, with perhaps a separate division within the act for maintenance, provided it would be a simpler method to adopt this form?

STURGIS: That's right; that's precisely what I was trying to say but maybe I didn't make myself clear. I think that all of the maintenance district statutes can well be consolidated. Whether you do it with the County Services Act in the Government Code or whether you do it in the Health and Safety Code is a matter of decision as far as you are concerned - and policy. I don't think it makes any particular difference. Probably the Health and Safety Code is the most logical. Then by reference in the Improvement Act of 1911 and the Municipal Improvement Act of 1913 - as a matter of fact, the Municipal Improvement Act of 1913, aside from the additional power granted to construct maintenance districts, has the same provisions for maintenance as the 1911 Act, and says you shall use that procedure. So you can do a good deal by reference. I mean, in other words, it isn't going to harm the 1911 Act or the 1913 Act to have those taken out of them and giving them the power by reference to another code, like you did and tried to do in the last session of the Legislature with relation to

publications. You tried to coordinate publications so that they would tie all notices of publication requirements into certain sections of the Government Code. That's all right.

FARRELL: I had one other question. Do I understand correctly that you feel each single-purpose special district should be authorized to adopt additional functions?

STURGIS: What I said was that I thought that was the ideal type of service district; I think that the Community Services District, as it was originally intended and the purpose for which it was organized, is the ideal type of service district. In other words, it is a type of service district that will enable you to pick up one function and then if you need to pick up another function in the same area without creating overlapping districts, you can do so. I think somebody mentioned the fact that sanitary districts have the power to do their own assessing, and there are a couple of others that do. Really, I think that that has become a joke. I don't think the power of those districts to assess has any meaning because practically all of them use the county roll anyway, and I think that you could very well pass an amendment, for example, eliminating separate assessing by those districts and making them use the one roll.

You have a tendency with municipalities now to merge with the county function as far as assessing is concerned, and from my point of view it's absurd that a sanitary district elects an assessor. There's just no point in this any more. There may have been at one time when we lived in the horse and buggy age and

they were all isolated from the county, but now with our system of county assessment rolls and county assessing, there is just no reason why they shouldn't use the county roll. I think that could be an amendment.

FARRELL: In relation to this, I had one other question. We are going to take up the Community Services District this afternoon. Do you feel the Community Services District should have the power to take over the functions of, let's say, another district if it is within the territory of a Community Services District?

STURGIS: Yes, I think that you should provide both in the other acts and the Community Services Act machinery for mergers so that there is no destruction of vested rights but also so there wouldn't be all these overlapping districts with overlapping boards and overlapping elections.

FARRELL: In other words, this would be on a voluntary basis?

STURGIS: Some people don't like Community Services Districts, and maybe most of them have been organized for one purpose. All that I am saying to you is that from my point of view that type of district is the ideal theoretical type of district because you can either add or you can subtract from its functions in the same area. Sometimes you will find that areas won't want to take on the function, just like you'll find most county water districts don't want to have any part of sewage disposal. On the other hand, I think it would take ten years to work out such a

program completely. I believe, in my opinion, that is what you should drive toward. In other words, this would not destroy the functions of the county sanitation districts which have proved excellent in the areas where they have been used, and the 1923 Act which has proved equally effective, because of the philosophies upon which they are based. But you certainly can do a lot toward amending the legislation of these other districts and the Community Services District Act so that they can eventually tie in if they want, and maybe eventually be compelled to. I don't think you could compel them to right away; I think you would have a revolution on your hands.

FARRELL: That is what I had in mind. You merely propose that it would be on a voluntary basis.

STURGIS: That's right, with gradual encouragement by the Legislature by gradually tightening up here and taking away powers there so that eventually it's for the best interest to merge. That's the only way you will ever do it, in my very humble opinion.

BRADLEY: Mr. Sturgis, we certainly appreciate your testimony, and for the record and your general information, I will say that this committee recognizes this entire problem on districts is a long term and difficult study which we don't expect to solve overnight. However, we do appreciate your presentation and I think you have given this committee some very valuable suggestions.

STURGIS: Thank you.

BRADLEY: Before the recess, I would like to take one more group which I think wants to leave the meeting at noon time. Are Mr. Slaght and Mr. Williams here?

Gentlemen, this is a different record from the one of yesterday so will you give us your full names and official positions?

ORAN L. SLAGHT, Chairman, Board of Supervisors, Santa Clara County, and

SPENCER WILLIAMS, County Counsel, Santa Clara County.

SLAGHT: In presenting this paper yesterday, Mr. Chairman, we had included in the paper the sewage collection disposal districts subject, and for the record, I might be repetitious to the point of putting in one additional paragraph which would state the Board of Supervisors' position.

BRADLEY: Go right ahead.

SLAGHT: For many years the Board of Supervisors of Santa Clara County has been of the belief that the consolidation of many of the county special districts would best serve the taxpayers and residents of the district by offering them better and more efficient service without taking away the advantages of local control. The Board is also of the belief that a reduction in the number and types of districts which may be formed to render any given service will minimize the legal problems in such consolidation.

Eight County Sanitation Districts (Health and Safety Code Section 4700) and five Sanitary Districts (Health and Safety Code Section 6400 et seq.) have been formed in Santa Clara County. Two of the sanitation districts have since been reorganized as sanitary districts and one sanitation district has been dissolved by virtue of its entire inclusion within the limits of an incorporated city.

The Board urges that in reducing the number of districts authorized and empowered to handle sewage collection and disposal that the Legislature not eliminate the Regional Sewage Disposal Act. The enactment of this measure was supported by the Board of Supervisors of Santa Clara County as a possible answer to the confusion and difficulties encountered in our county in the matter of sewage collection and disposal. Although this Act has not been utilized, it offers a solution to the many problems which inevitably arise where thirteen separate agencies (seven districts and six cities) all attempt to tender separate sewage service to one general drainage area. It is still hoped that this Act will enable these many separate jurisdictions to effect a local consolidation and the retention of this law on the books is therefore urged.

The subject of territorial integrity was expounded here yesterday, Mr. Chairman, and I doubt the necessity of being repetitious on that.

BRADLEY: Very good.

SLAGHT: Thank you.

BRADLEY: Mr. Williams, do you care to make any additional statement?

WILLIAMS: I might just point out that Mr. Slaght sits on three sanitation district boards in our county and that I act as attorney for two of the districts in our county. Furthermore, we do favor the matter which you suggested that sanitation districts be permitted to go into the storm sewerage business on a permissive basis. It will be beneficial to the districts which I represent.

BRADLEY: Would you care to make any additional comment

in regard to this Regional Sewage Disposal District Act? I don't believe you were County Counsel, or maybe you were, at that time. . .

WILLIAMS: Yes, I was. That particular act may be called a tailor-made act for Santa Clara County; it came out of a series of citizens' committee meetings and study and was presented to the Legislature and enacted, I believe, in 1955. We have not been able to effect it yet. We hold some hope that we may be able to effect a consolidation of basic trunkline functions and sewage disposal functions under this act and eliminate many of the problems which we do have with these conflicting jurisdictions. It probably will be permissive to say that if we do not effect consolidation in another session or two of the Legislature, why it would be hopeless, but we still do hold out hope that this may be used to solve our problem.

BRADLEY: Would you have any objections if this act were repealed with the thought in mind that maybe the basic principle could be incorporated in another act, or that at some future time an existing act be amended which would incorporate the basic principles of this act.

WILLIAMS: As to the first, we would have no objection as long as the facilities were there and the machinery were there to accomplish this end. However, to repeal it now and then later perhaps add these provisions to another act as the need arose, I think would be a cumbersome and difficult procedure. We would rather have it kept on the books in one manner or another at this time and then perhaps delete it if it were not used.

BRADLEY: Are there any questions from Committee?

Mr. Farrell.

FARRELL: Could you provide us with some of the details and differences between the Regional Sewage Disposal District Act and the County Sanitation District Act?

WILLIAMS: The Regional Act provides for the establishment of actual separate districts with a governing body composed of representatives from each of the participating agencies. Their board of directors would consist of one member from each of the districts, but their vote would be in proportion to their assessed valuation. I believe that's the way it is set up; so it would be like a board of directors of a corporation, each with a vote in accordance with the number of shares held. This would, we believe, allow for a small workable governing body, but with each district having representation in proportion to their actual interest in the district. The district can also have the power to float bonds and provide for facilities for an overall area which may include sanitation districts, sanitary districts and cities. Your sanitation district, of course, could only function on its own behalf. We felt that this act better served our needs than a cooperative arrangement, such as has been successfully used in southern California, because the structure is there in the law and it would remove any difficulties in negotiating contracts as each new problem arose.

BRADLEY: Does it have the power of eminent domain?

WILLIAMS: Yes.

BRADLEY: I think that, apparently, is all we have in the way of questioning. Again, thank you Mr. Slaght and Mr. Williams for your presentation before the committee. Unless you have something further to say, why

WILLIAMS: Only to thank you, Mr. Bradley, for considering our time and allowing us to again appear before you.

SLAGHT: Yes, thank you very much, Mr. Bradley.

BRADLEY: You are both quite welcome.

Ladies and gentlemen, we will recess at this time. I have had a request that we do not re-convene until 2 o'clock. I think that will give us ample time to hear the remaining witnesses so we will reconvene at 2 o'clock.

AFTERNOON SESSION

BRADLEY: The meeting will come to order. Is there anyone from the County Supervisors' Association who wishes to address the committee today? They appeared yesterday and apparently have nothing further to add.

Is there a Mr. Paul Chamberlain present?

Is Mr. Jean Vincenz from San Diego County present, or is there anyone here representing San Diego County? They appeared before the Committee at our hearings in Los Angeles. I just wanted to be sure we were not overlooking their having a representative up here today.

I will then call upon Mr. O'Connell.

W.J. O'CONNELL, Consultant, Contra Costa County Department of Public Works: Gentlemen of the Committee, my name is W.J. O'Connell.

I am the consultant for the Contra Costa County Department of Public Works and I am here at the direction of the Board of Supervisors and of the Director of Public Works, Mr. Sauer.

I would like to introduce Mr. Port who is Chief of the Section on Sewage Water and Waste of the County Department of Public Works.

BRADLEY: What was the first name?

O'CONNELL: William J. O'Connell.

BRADLEY: And your's?

JACK PORT, Head of Division on Sewage Water and Waste, Department of Public Works, County of Contra Costa.

O'CONNELL: Contra Costa County is perhaps somewhat different from others you may have heard from since there is a substantial percentage of the area that is highly developed for residential purposes but is unincorporated and has faced a long history of problems with sewerage services. The county has an unusual number, for its size and assessed valuation, of overlying districts, and the people who are responsible for the administration of the county are quite interested in any movement that tends to reduce that number and not concentrate authority but present an orderly removal of overlying jurisdictions.

Perhaps Mr. Port can hold up this map which shows a relatively small area of the county. The area that is within the blue line to the lefthand side of that chart is an area of about five square miles. . .

BRADLEY: Just one moment. Mr. Sergeant-at-Arms, would you give us a hand in holding the map up, please?

O'CONNELL: Within that area of about five square miles we have, I think, it's five sewer maintenance districts, one sewer district, one sanitary district, and for all practical purposes, a completely enveloping and overlying sanitation district. The problem with respect to whether it's as strictly in accordance with the intent of the law or not is rather immaterial since the Board of Supervisors, which is the board of the overlying sanitation district, District 7-A, is also the board of the sewer maintenance district, since there are no incorporated areas involved in the section shown. We find ourselves faced with a problem since the sewer maintenance district can be dissolved, but one sewer district, River Crest Sewer District, remains as an entity on the tax roll for which we can find, on the basis of legal advice, no means of dissolving it.

Now in addition to that we have contracted with and expect to include at some future date the Bella Vista Sanitary District. The Board of Supervisors simply asks your consideration not in any way to change either the sanitary district laws or the sanitation district laws but to provide some practical option for dissolving these districts that no longer serve a purpose in view of the fact that the sanitation district has extended its responsibility because it is in fact an alter ego of the Board of Supervisors to the management of what are smaller lines than are handled in most other areas.

There are two sanitation districts formed in Contra Costa County. By the way, Contra Costa County is one of the

counties that has under the General Planning Act provided a general plan for sewerage for the entire county, and for practical purposes, all of the communities and sanitary districts within the county have adopted similar plans in purpose and there is no conflict in interest or controversy with respect to the service.

I understand that the question was raised this morning as to whether the sanitation districts in Contra Costa County served a useful purpose, and I don't want to take up the time of your committee outlining the state of utter confusion that existed in the two areas where sanitation districts now exist, but I can assure you that the Board of Supervisors of Contra Costa County does not consider their expenditure or their action as a frivolous matter. We also have in the district a situation where both public utility districts and Community Services Districts have been formed to provide sewerage service in areas that probably never should have been serviced. They were areas that could not use septic tanks; they were totally removed from any point of logical disposal. We find one particularly, the Southern Public Utility District, now included in the Central Sanitary District of the County, paying the taxes, the assessments of incorporation thereto, and all the other charges that I would say would run the cost of about

BRADLEY: Mr. Port, your mike is not working and there is a live mike right there behind you, so if you want to change . . .

O'CONNELL: In other words, they are paying in excess of \$5.00 per \$100 of assessed valuation for the repayment of debts incurred by the non-existent totally non-functioning Southern

Public Utility District. Now they are paying taxes and assessments to the Central Sanitary District in excess of \$4.00 in addition to the other five dollars; in other words, the sewerage service is costing over \$9.00 per \$100 of assessed valuation, \$5.00 of which is frankly to support a dead horse.

We feel that a review of the legislation such as your committee has been considering is important in order to avoid perhaps the lack of information to people in areas beyond the area where it is logical for development to occur, so that they will not encumber themselves in such a fashion. We have no recommendations as to what this committee should do. I concur with the recommendations of most of the people here today that the financial stability of neither the sanitation districts nor the sanitary districts should be affected by the amendment of the law, but there is a serious problem, at least in Contra Costa County, with respect to reviewing the effect financially on the taxpayers of these overlying districts that have grown historically. For example, one of the uses of the sewer maintenance district is to provide a sewer to discharge sewage directly to the loading walks. By and large the sewer maintenance districts are not qualified to operate facilities that meet the requirements of this present State Water Pollution Control Board.

BRADLEY: Mr. Port, do you have any comments to add?

PORT: Well, the only comment I would like to make was in regard to the question that arose regarding bonded indebtedness. The statement was made that bonded indebtedness should be gauged

to assessed valuation. However, we feel that in Contra Costa County, although it's practical from a business point of view to study the problem from that viewpoint, that sewerage service is primarily concerned with a health problem. Now if a situation arises - and it has in our county - where the sewage effluent becomes a menace to the community, we feel that problem should be alleviated, but we have had situations where the taxing powers of the district have not allowed the people in the area to solve their problems, and for that reason we take the stand that as far as the sanitation districts are concerned, the legislation should stand as it is today and that the bonding capacity still be unlimited.

BRADLEY: Are there any questions from committee?

Do you feel, Mr. Port, in line with what you just said about a bonded limitation, that it would be impossible to work out your problems there if there was a limitation, even though it was a rather liberal limitation?

PORT: We have had that situation in the county, yes.

BRADLEY: Is that your present situation?

PORT: No, sir. That situation, I might say, has been remedied. However, we have lived with, you might say, healthful conditions for a period of years in the county, but as the assessed valuation has grown we have been able to meet our problems. There was a period of time where the Health Department felt we were taking a risk in not correcting the problems as they then existed.

BRADLEY: Mr. O'Connell, specifically for the record, and this is also directed to you, Mr. Port, summarizing what you said,

generally speaking, do you feel that there can be at least some consolidation of the various sewage acts on the books today into let's say a fewer number than we now have on the books?

O'CONNELL: I know the Board of Supervisors of Contra Costa County would look with great favor on any legislation that would at least be permissive which would give the opportunity for consolidation and for minimizing the number of overlapping tax districts.

BRADLEY: Very good. Is there anything else that either of you wish to add to your presentation?

PORT: I would like to make one statement in regard to the consolidating legislation referring to a particular situation in our county concerning these sanitation districts. We feel there is a portion of the Health and Safety Code which covers the bonds which may be issued by a portion of the district which is extremely rigid, and in our situation we would like to see that alleviated. I would like to explain it to you on the map if I may.

BRADLEY: Can you bring that mike around - just swing it around so you can talk into it and look at the map at the same time.

PORT: All right. When this sanitation district was formed, as outlined here in yellow, the area shown as the Bella Vista Sanitary District, which is colored in orange, was not included within the district. It was not included within the district primarily, we might say, for political reasons. After the district was formed, a bond issue was passed and an interceptor was

constructed which eventually collected all sewage within these districts. Previously, the districts were served by a series of community septic tanks. Now we find that the Bella Vista Sanitary District is anxious to come into the sanitation district but the legislation under which the bond issue was passed states that since we floated the bonds for only a portion of the district, that portion which voted for the bonds is the only property which can be taxed for the bonds; this means that when these people come into the district, they can't pay toward the construction of this interceptor line.

Contra Costa would like to see an expansion of legislation which would allow annexation not only to the sanitation district but to an improvement district of the sanitation district.

BRADLEY: Well, now, I'm going to depart from our usual procedure. We have some experts here in the audience and perhaps we can get some help for you right now, Mr. Port, in the way of suggestions. Is there anyone in the audience who can make a suggestion that would help Contra Costa County in this particular feature that they are concerned about.

Mr. Gill, would you care to donate some free legal advice on this thing? Do you know of anything that they could do?

Mr. Rawn? Won't you come down here so we can pick you up in the mike, please?

RAWN: Possibly, Mr. Chairman, they could be annexed to the district, and as part of the district participate in the cost of construction of the district enterprise just as though there had been no improvement district, and then be organized as an improvement

district themselves within the sanitation district. By so doing, they could take care of the situation.

BRADLEY: It would take two steps then instead of one direct move.

RAWN: Well, they are two very simple steps. Annexation to a sanitation district is done simply by the consent of the district directors and the board of supervisors and the boundary commission, if there is one. We were opposed to the improvement district within a sanitation district at the time it was enacted because it modified a sanitation district by including in it an improvement district when there were already improvement districts in the Acts of 1913 and 1915 - but it was put into the show. It would seem that they could annex the territory to the sanitation district first; then let them participate in the cost of construction and pay the annexation fee directly, whatever that may be. With us in Los Angeles County it amounts to paying the same amount of money per acre of area annexed as the average cost per acre that has been collected in the main sanitation district. And that goes into the sanitation district coffers to help defray the sanitation district's bonded indebtedness and then extend either the facilities of the sanitation district, or organize another improvement district within the area which has been annexed to the sanitation district. I know that sounds very confusing but it really is quite simple.

BRADLEY: Mr. Port still seems to have a problem. Can you get that mike, Mr. Port?

PORT: The point I was trying to make is that these people outlined in yellow are the people who are obligated to pay for bonds

on the construction. Now these people I've colored in red, although they are in the sanitation district, are not obligated to pay the bonds. The legislation says that only those people within this area outlined in yellow shall pay the principal and interest on the bonds exclusively. There shall be no other revenue derived for its payment of interest and principal on bonds for construction. Now when another piece of property comes into the district, they can't participate. That money can come into the coffers of the district, that's true, but the money cannot be used to amortize the bonds, and that is what we are trying to do.

RAWN: I don't agree with that at all, Mr. Chairman.
We do that right along.

BRADLEY: Mr. Rawn does not agree with that interpretation.

RAWN: I wish I had my Health and Safety Code here.

BRADLEY: Well, now, we are trying to help you, Mr. Port, so we won't get into a free debate on the relative merits. We have too many lawyers here - I don't dare get into that situation! However, maybe from what has been said you might have a clue there to something that might be of some assistance to you. Is there anything else you wanted to add?

PORT: I would like to have the Committee work with me.

BRADLEY: Very well, the record will show that you have presented it as a matter for the Committee to check into. Are there any further questions from members of the Committee? Apparently not. Mr. O'Connell and Mr. Port, we appreciate your presentations.

Apparently the last witness we will have on sewer districts

before we get into the Community Services District Act would be Mr. Forge. Mr. Forge, would you come forward, please?

OTIS F. FORGE, Vice President, State Association of Sanitary Districts, and President, Cupertino Sanitary Districts: Mr. Chairman and members of the Committee, with all of these lawyers, perhaps I don't belong here. I'm just an engineer!

BRADLEY: We have a couple of non-lawyers on the Committee, Mr. Forge, so you have company.

FORGE: Last week I told you how wonderful that Act of 1923 worked; this week I'll enumerate a few of the difficulties. I don't want to take too much of your time because maybe the difficulties don't belong here.

The main weakness I see is in controlling your borders. You get aggressive cities that start taking your customers - and what are you going to do about that? Sunnyvale, to our north, moved into our district a couple of square miles and started building a main trunk. They started hooking onto our customers so we had to go to the Superior Court to beat them. I would like to read this to you without taking too much time; this is pretty much what the Judge said:

"In the case now before the Court, the Cupertino Sanitary District is organized; it has elected its officers and appointed its agents; it has made plans for the construction of sewers and works within the limit of the district; and it has taxed its residents to carry out the purposes for which the district was created.

"It was asserted in the argument, and not denied, that the construction of a sewer line for the City of Sunnyvale through

the territory embraced within this district without the consent of the district of a sewer line will seriously interfere with the district, and with its plans for the development of the sewer facilities within its territories. If the City of Sunnyvale should serve some substantial portion of the residents within the district, it might conceivably seriously interfere with the assessment plan and procedures for sewer construction within the district, especially if properties thus served by the City of Sunnyvale could not be assessed for sewer improvements within the sanitary district.

"Moreover, as stated by counsel in the argument, it is likely that there would be only one main line sewer within the territory of the district, at least within the area for which the City of Sunnyvale proposes to run this line, and it may very well be that if the City of Sunnyvale establishes this line without some consent and agreement with the petitioner district, the sanitary district may suffer complete collapse."

Well, anyway, they stopped them from laying the line and told them to go to the Public Utilities Commission. They didn't want to go to the PUC so they made an agreement with us that the area would be annexed and taken out of our district as fast as Sunnyvale sewerred. That's working well with us because they don't sewer until it is subdivided and it's moving quite slow. In the meantime, if any of our people not in Sunnyvale want to use the lines, they can hook on at a very nominal expense, which is completely satisfactory to us. Well, that's on the north side. Now on the south we have a worse problem. We have a very aggressive city

that is coming into the middle of the district and may soon cut it in half, and they don't like this agreement with Sunnyvale.

BRADLEY: That wouldn't be the City of San Jose, would it?

FORGE: It would. And our difficulty is that quite a lot of the City of Saratoga is in our district and there is an assessment district up there which they are trying to form now. The problem is what are you going to do with it with San Jose in between? It was suggested that we use the San Jose sewers. Well, that's too difficult; the only lines we can find are six inch and they are no good. The second difficulty is that there would be an additional \$80 per house that you would have to pay. You see, in our district there is no charge for trunk lines. When an assessment district forms, whatever the assessment comes to, that's the cost, and they get free use of the trunks from there on out. Consequently, if we formed a district up there - say a thousand acres - if we have to sell everyone up there, with an average of four acres per house, you would have another \$320,000 to pay. We have one project just finishing for a thousand acres that cost \$345,000 for the sewers. We probably could lay a line through San Jose for less than \$320,000 - a lot less.

Then we have another problem that's a waste of a lot of money and it's not just in San Jose; I think the gentleman from Martinez was telling us the same thing. A city spends a lot of money to pump sewage into another watershed. San Jose has done that on the south side also. They run the sewer half a mile long. The ground level of the outlet is five feet higher than where it starts.

They are down deep. Then they pump it up and run another almost level pipe to get over to the trunk. Now there ought to be some way to make these people use the facilities that are there on a natural watershed. In other words, if a city wants to annex, okey. The sewers belong to the people; they can take them with them, but they should be forced to do it the cheapest way, not in a very expensive manner.

On the basis of this suit - this is just for our local district, it's not necessarily for the Association - we have a number of suggestions. I don't know whether they are good or not; I'm not a lawyer. Under Section 6910, the Board of Supervisors must make a finding that the exclusion will not interfere with the operation of the sewage system in the balance of the district. Now that is interpreted "the present sewage system". We would like to get a change on that so that it would include future sewers. It would read this way then: "The exclusion will not interfere with the operation of the existing sewage system of the district or a duly adopted engineering master plan for the balance of the district".

We have been before the Supervisors on the San Jose thing eight times now. We have to pay our lawyer and engineer when he works so we have to pay him eight times and we still have gotten nothing done. It has wasted a lot of our time and money.

Then for the proposed amendment to Section 6917, we would propose this: "Any portion of a district not within a city which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded by the district

by order, of the district board upon receipt of a verified petition of the landowners in fee of land within the portion of the district which has an assessed value with improvements in excess of one-half the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded".

The main thing is we ought to have some method so that the Board of Supervisors can act in regard to damage to your district in general, not just to the lines that are in. So, if we substituted in there "proposed lines" or "master plan" or something like that, why they wouldn't just have to keep continuing. They see the trouble we are in and they have continued that thing eight times. So that is pretty much the problem.

Now there are a couple of other things. We have heard some discussion as to whether or not districts should have private attorneys or use someone from the District Attorney's Office or the County Counsel. The private attorney works very well with us because we can always get him.

And then on the problem of the assessor, well, we don't use our own assessor but I think there are places where they do need one. A district assessor can assess the property on the basis of sewer use; you can have a lot of old houses that need just as much in the way of sewers as the new ones, and he could assess according to the need. If I may, I'll give you this, Mr. Bradley.

BRADLEY: Thank you, Mr. Forge, we would like to have that for the record. (Proposed Amendments as above outlined.) Are there any questions of Mr. Forge? Thank you again for your presentation.

Mr. Tiday, did you wish to address the Committee?

RONALD L. TIDAY, Garden Grove Sanitary District: Yes, I would like to take about two minutes of your time. I appeared before your committee in Los Angeles last Friday and didn't think I would have anything to say today, but there is one thing I might say that would be of interest to your group.

In Orange County we have only recently organized sanitation districts. For many many years we have had only sanitary districts and they have had there what is known as the joint outfall group. I don't know whether you have heard of this and that's the reason I thought I would mention it because it does indicate how sanitary districts and cities can operate on an overall basis similar to the operation in Los Angeles County of the sanitation districts.

For many years the sanitary districts and the cities - or at least most of the sanitary districts and cities - in Orange County have operated under what they call the joint outfall sewer group. That consists of various sanitary districts and cities in Orange County and together they constructed the outfall line out into the ocean, the treatment plant, and all of the large trunk lines from the ocean up to the northern part of the county. As I say, this went on for many years. They had bond issues over the entire area and each sanitary district and city assumed its respective portion of the cost of construction so that each would have a capacity right in the large line based upon the amount of money they put into the project - and each had their own bonds for this purpose. This has gone on now since the act was put on the books, I believe,

and only, recently within the last, oh, six or seven years - time passes so fast but I don't believe it has been more than eight years since the sanitation districts became active in Orange County - since the sanitation districts came into existence they have, as I stated last Friday to you, started taking over the overall system such as the major trunk lines and the treatment plant on the outfall sewer. They have purchased those facilities and are now purchasing more facilities from this joint outfall sewer group consisting of the sanitary districts and the cities.

Now since one of the things you seem to be interested in is the overall picture in areas, I thought you might be interested in this because it has worked extremely well. Each of the sanitary districts and cities had a representative on this outfall sewer board, as they called it - the joint outfall group. They nominated one city, which was Anaheim, as the contracting city. They contracted for all of the construction work and would pay the bills and so forth and then charge all of the districts and cities. These people all got along extremely well; they built all of the facilities that are now in existence except for an extension of the outfall into the ocean which was done by the sanitation district after it took over. But all of these cities and sanitary districts got along very well, and now the sanitation districts and the sanitary districts and cities are doing very well by negotiation and I feel that this shows that under the existing law as we now have it, the sanitary districts and cities can also operate on a countywide basis very effectively. I thought you might be interested in knowing about that if you didn't have that information.

BRADLEY: No, we didn't have that. Just to clear the record, is this arrangement that you just described done under a voluntary agreement or is it under an act or statute?

TIDAY: This was done under a voluntary agreement.

BRADLEY: We appreciate having that additional explanation for the record, and I asked the question to be sure that you weren't talking about another act that we just didn't happen to have on our list here.

TIDAY: No, I am not talking about another Act. However, I think this sort of thing is legal under the Joint Powers Act; in other words, where various cities and districts can contract among themselves. I don't believe I mentioned it before, but I am appearing here as the attorney for the Garden Grove Sanitary District and also as secretary for the California Sanitary Districts Association. Mr. Hal Ansell, President of the California Sanitary District Association and also Chairman of the Board of the Garden Grove Sanitary District, is here also today.

I might say that our district this year has an assessed valuation of just under \$83,000,000, so it is a fairly large organization. I have represented that district for about eleven years, except for a little over three years when I was on the bench. I resigned about two years ago from the bench and have gone back into private practice. There has been some question as to how much experience the various persons here have had and I wanted to give you that information.

BRADLEY: Well, during the noon hour we worked out Mr. Britschgi's problem. We are going to apply to the State Bar to

get him a special permit to be a lawyer and then he will be with us, you see, and can't very well argue against us!

BRITSCHGI: Thank you, Clark.

BRADLEY: All right. Thank you, Mr. Tiday.

Is there a Mr. Parmelee present? May we have your full name and your connection?

JAMES M. PARMELEE, Deputy District Attorney, San Mateo County: I am James Parmelee. I am a Deputy District Attorney in San Mateo County and appearing at the request of the Board of Supervisors of the County of San Mateo.

BRADLEY: I believe you have with you information with regard to the San Mateo County sanitary and sanitation district picture.

PARMELEE: Yes, I do, Mr. Chairman.

BRADLEY: If there is anything that you wish to present to the Committee in regard to the situation there in San Mateo County, we would be very glad to hear from you.

PARMELEE: I might first tell your committee that we have four sanitation districts under the County Sanitation District Act, three of which are wholly within unincorporated territory and therefore governed by the Board of Supervisors, and one of which mostly consists of one municipality and has two members of the City Council and a member of our board on its governing body. We have nine sanitary districts under the Local Sanitary District Act of 1923 that have their own governing boards. In that connection I might mention that two of the newest ones were formed this year

because the sewer maintenance district that we have in the area where these new ones were formed were unable to cope with the problem of installing a new sewage treatment plant. We have a total of nine sewer maintenance districts, six of which are under Sections 4860 and following of the Health and Safety Code; the other three are under the Streets and Highways Code - the County Maintenance District Sections 5820 and following of the Streets and Highways Code.

It would appear to our board that first of all it would be easily feasible to consolidate the Sewer Maintenance District Act under the Health and Safety Code with the one under the Streets and Highways Code. There wouldn't seem to be any problem in working out a statute which would cover both; they seem practically to parallel each other.

It was also the thought of our Board that perhaps the County Sanitation District could, in conjunction with the Sewer Maintenance District Act, be combined into one act which would carry the best features of both in order that such districts would have equal authority - the districts which are presently Sewer Maintenance Districts would have more authority, particularly in regard to general obligation bonds. A sewer maintenance district does not have the authority to float those at the present time and we have found that in our county particularly the sewer maintenance district is unable to cope with the problems of installing new sewage treatment plants as they are need. It may be that in some counties they would be opposed to the consolidation of the County Sanitation

District Act and the Sewer Maintenance District Act for the reason that the Board of Supervisors is the governing body of the Sewer Maintenance District Act, whereas the County Sanitation District Act provides for a different governing body in different situations; but the answer to that may be provided in the law to make it permissive for the Board of Supervisors to be the governing body even though incorporated territory and sanitary districts were included if the local agency affected so designated the Board by resolution.

That, I believe, is all that I have to add. I will be happy to answer any questions you may have.

BRADLEY: Thank you, Mr. Parmelee. Are there any questions from Committee? Mr. Britschgi.

BRITSCHGI: Mr. Parmelee, is there anything now that we could do possibly to help that Bayshore city situation up there? Are they doing anything to help themselves?

PARMELEE: They have a sanitary district up there, Mr. Britschgi.

BRITSCHGI: There is a sanitary district there now?

PARMELEE: At the present time they are making plans to install a treatment plant. I believe they have most of the funds that they will need. They may have to attempt a bond issue but that is a local sanitary district and they are trying to meet the problem.

BRITSCHGI: A local sanitary district?

PARMELEE: A Local Sanitary District under the 1923 Act.

BRADLEY: Apparently there are no other questions, Mr. Parmelee. Again, thank you.

PARMELEE: Thank you, Mr. Chairman.

BRADLEY: Now the Chair has two letters. I will not read them in detail but one of them is from a Mr. Everett Wright, dated September 4, from Castro Valley, California. He requested that this letter be deemed read into the record and that the letter be made an exhibit of the Committee which I am now doing.

21040 Marshall Street
Castro Valley, Calif.
September 4, 1958

Mr. Clark L. Bradley, Chairman
Assembly Interim Committee on
Municipal and County Government
4148 State Capitol
Sacramento, California

Dear Mr. Bradley and Members of the Committee:

My name is Everett E. Wright. I am 2nd Vice President of the California Sanitary District Association and Manager of the Castro Valley Sanitary District. I wish to extend sincere thanks for the courtesies extended to the California Sanitary District Association at your Los Angeles hearing on August 29.

The views that I express here are my own but they are views that have been formulated by many years of association with representatives of various sanitary districts and agencies throughout the State of California. My primary contact has been with some of your constituents concerning their right to govern themselves. I am aware that some of you have personal knowledge of the Castro Valley area, its expansion and growth.

While the people of Castro Valley are wholeheartedly opposed to incorporation, they have expressed a definite desire to govern themselves through special districts. I realize there are many who do not agree with this line of thinking, but the result at the ballot box provides us with the means to develop. I call your attention to the Castro Valley area not as representative but as an example to be compared with others.

While interested parties were circulating petitions to incorporate Castro Valley - with the support of a local newspaper - and being unable to secure an adequate number of signatures to

bring the question to an election, a Water District was formed with an elected board and a bond issue for the installation of water lines was passed. Shortly thereafter the district was merged with East Bay Municipal Utility District, represented by an elected board, which provided an adequate water supply.

At an election of the people a Sanitary District was formed and is today providing adequate sewage and garbage service to the community notwithstanding a problem of infiltration of storm water into its system. However, it appears that this problem will be solved in the near future.

In contrast to the preceding special districts, a greater area recreational district was formed by the county and representative commissioners were appointed by the Board of Supervisors. The Castro Valley portion considered withdrawal from this district because a 20¢ tax rate per \$100 of assessed value was not showing a capital expenditure sufficient to satisfy members of the community. A community improvement club appointed a committee and this committee formed a Community Center Club through the local improvement club. Ground was purchased and leveled by donations. I do not recall just how it came about, but the Hayward Area Recreation District Board became elective and the land and improvements secured by the Community Center Club were dedicated to H A R D. The elected representatives have added improvements and constructed a swimming pool in the Castro Valley area. I understand that they have provided a great many other centers and pools in the greater Hayward Recreational Area.

The Castro Valley Fire District is governed by the Board of Supervisors with appointed representatives. There is a movement underway to make them elective. The Board of Supervisors are creating a Library District and there is a petition being circulated to make this district elective. The Castro Valley area is in Flood Control District No. 2 governed directly by the Board of Supervisors. I might point out that they are doing a splendid job on the major channels of the area.

While the people of Castro Valley voted down incorporation over three to one, they have approved by election a Castro Valley School District, the Hayward Union High School District, the Castro Valley Sanitary District, the Eden Township Hospital District and the Castro Valley Water District. I believe this exemplifies the desire of the people to be represented by elective rather than appointive officials.

I believe the enabling acts should provide for the creation of special districts by elective representatives. I further believe that related services should be combined in a single act such as sanitary sewers, garbage collection, cleanliness of the streets, storm drains and the disposal of these. I propose that the creative act provide that the district to be created should specify the

service it proposes to provide such as sanitary sewers and disposal, garbage collection, garbage dumps, cleanliness of the streets and storm drains; that the act provide a means by petition or at the election of the elected Board to place on the ballot at a district election whether or not a district should provide a service other than the one it is rendering which falls within this act. I recommend the inclusion of disposal by combined efforts of cities, counties and districts.

Section 5900 of the Health and Safety Code provides such an act but limits the area to a total assessed value of \$100,000,000. I feel the act should provide for the disposal of sewage, garbage and storm waters in the same manner or in accordance with the provisions of this act. However, I feel the limited \$100,000,000 assessed value should be reduced so that small districts and small cities may combine their effort to furnish a single treatment plant or single garbage dump. I also feel that the Board of Supervisors should be permitted the right to operate the garbage dump and main channels of storm drains with the consent of the governing bodies.

I feel the Board of Supervisors should be entitled to enact a uniform plumbing code but it should only become effective when approved by a city or district, and that in no event should a city or district enact a plumbing code inferior to that enacted by the County Board of Supervisors. I feel that each new building should be required to construct an adequate storm water system of disposal and an adequate elevation be maintained under each building so as not to create a sump where water will stand. When impossible to maintain adequate elevation under buildings, a drainage system should be installed to dispose of storm water which may be created. I have examined a great number of homes in this area where water stands under the houses. The owners must find sufficient slope to effect a drain or install a sump pump or make an illegal connection to the sanitary sewer. None of these solve the problem unless a storm drain is available and in most cases none can be economically reached. Due to the high density of the population the drainage is dumped on the neighbor or is allowed to seep into the ground and break out in a lower area where the problem is repeated. The illegal connection to the sanitary sewer once made is almost impossible to detect, and due to the increased cost of treating sewage is creating a problem in the transmission and disposal of storm water which enters the sewer mains.

I wish to make myself available to your Committee at any time in the future to lend any assistance desired by this commission in working out the problems in relation to the enabling acts.

Very truly yours,

EW:cw

EVERETT E. WRIGHT

MARK THOMAS AND COMPANY

18 North San Pedro Street
San Jose 10, California
August 13, 1958

Assemblyman Clark L. Bradley
802 First National Bank Building
San Jose, California

Dear Clark:

Reference is made to the coming hearings on August 28 and 29 in Los Angeles, and on September 4 and 5 in Sacramento, in connection with combining the various laws relating to sewer districts.

We are engineers and managers for both county sanitation districts and sanitary districts, and feel that it is important that the law remain unchanged with regard to the composition of the district boards so that there is an option as to whether the boards will be elected directly as in sanitary districts, or whether they will be made up of supervisors and councilmen, as in county sanitation districts. Under varying situations, there are definite advantages to each procedure.

There is one point that I feel should be added to the powers of county sanitation districts (Section 4738, et seq. Health and Safety Code). This is the matter of storm sewers. It is presently included in the powers of sanitary districts in Section 6512, as follows: "It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such..... storm water drains and storm water collection, outfall and disposal systems, as in the judgment of the Board shall be necessary and proper...."

Sincerely,

MARK E. THOMAS

MET:fg
cc: Spencer Williams
Sam Anderson
John A. Nejedly

BRADLEY: This letter from Mark Thomas and Company, Civil Engineers and Surveyors, who are engineers and managers of county sanitation and sanitary districts in Santa Clara County, is also made a part of the records of the Committee.

Now again I will ask if there is anyone else who wishes to address the Committee in connection with sewer districts, and if not, we have two witnesses who have asked to be allowed to address the Committee concerning Community Services Districts. Mr. Sweigert, would you care to come forward at this time?

WILLIAM T. SWEIGERT, Counsel, San Juan Suburban Water District, Sacramento and Placer Counties: My name is William T. Sweigert. I am the counsel for the San Juan Suburban Water District located in Sacramento and Placer Counties, which is a Community Services District.

On my right is Mr. L.K. Jordan who is the General Manager of that district.

Pursuant to your communication to Mr. Jordan we had sent a copy of our prepared statement to your research director and unfortunately did not have copies for the members of the Committee. I would like to read it at this time, with your permission.

BRADLEY: Go right ahead.

STATEMENT OF SAN JUAN SUBURBAN WATER DISTRICT
TO ASSEMBLY INTERIM COMMITTEE ON MUNICIPAL AND
COUNTY GOVERNMENT -- Hearing September 5, 1958

The San Juan Suburban Water District was formed under the Community Services District Law by virtue of an election held on the 10th day of February, 1954. As originally formed, the district comprised some 23,000 to 24,000 acres in the Counties of Sacramento and Placer, the majority of the area lying within the County of Sacramento. It was formed as a master district covering

the historical service areas of the following three utilities: Fair Oaks Irrigation District, Citrus Heights Irrigation District, and the Orangevale Mutual Water Company. Basically, the district was formed for the purpose of acquiring the physical properties and water rights of the North Fork Ditch Co., a privately owned public utility. The North Fork Ditch Co., then being the owner of one of the best water rights on the north fork of the American River, had for the past one hundred years or more, been serving these general areas with irrigation and domestic water.

The district was formed for the sole purpose of supplying the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation as set forth in Section 61600, sub-section (a) of the Government Code.

The district did, through the proceeds from the sale of revenue bonds, acquire all of the properties of the North Fork Ditch Co. and is now operating these properties as a master district serving the three smaller districts within its boundaries as set forth above. The revenue bond obligation of the district, of course, is being repaid solely from revenues obtained from the sale of water.

THE DISTRICT FEELS THAT THE COMMUNITY SERVICES
DISTRICT LAW SHOULD BE AMENDED TO ALLOW A DIS-
TRICT TO PERFORM ANY OF THE SERVICES SET FORTH
IN SECTION 61600 OF THE GOVERNMENT CODE IN A

GIVEN AREA, NOTWITHSTANDING THE FACT THAT
THE ENTIRE DISTRICT WAS ORIGINALLY FORMED
FOR ONLY ONE OF THE PURPOSES SET FORTH IN
SAID SECTION.

Under the present law a Community Services District may not exercise any of the powers set forth in Section 61600 unless such power was expressly reserved to the district at the time of its formation. In order to enable a district to exercise any of said powers or purposes other than those for which it was formed, a general district election is necessary. The San Juan Suburban Water District since its formation has annexed in excess of 4,000 acres at the request of the land owners so that today the district is composed of approximately 27,000 acres. The district serves land devoted entirely to agricultural use, but at the same time has been affected by the tremendous building development in Sacramento County which has resulted in an appreciable increase of subdivisions requiring only a domestic water supply. The problems of this domestic and commercial growth and development are not the problems of the agricultural or irrigation consumer. We therefore find heavy concentrations of subdivision development covering many areas of district territory which historically were agricultural properties. These new areas of domestic and commercial water demand also require other services, such as sewage, garbage disposal, fire protection, parks and playgrounds, etc., street lighting and police protection. It would be extremely difficult to convince any agricultural and irrigation water user, whose holdings

are typically large, that he should be required to participate in or vote in favor of enlarging the powers of the district to provide services which he would not need or benefit from. It is felt, therefore, that a Community Services District should be permitted to expand its purposes or powers as set forth in Section 61600 by calling an election therefor only in the area which would be benefited thereby. The residents of an area which demanded additional services should be permitted to initiate proceedings before the Board of Directors of the district and the area so benefited should stand the cost and expense of such added services and not the district as a whole, unless the district as a whole would be benefited. In essence the question resolves itself to the following situation: Why should it be necessary to call a district-wide election as required by present law to provide a service which will benefit only a small portion or portions of said district and where the cost of such added service would be borne only by the portion or portions benefited from the extended service? The present law authorizes a district to form Improvement Districts. It would seem that this would be the proper vehicle by which the district could expand its purposes and powers to benefit a limited area.

IT IS FELT THAT THE COMMUNITY SERVICES DISTRICT
LAW SHOULD BE AMENDED TO SPECIFICALLY AUTHORIZE
THE BOARD OF DIRECTORS TO INSTITUTE INCLUSION
PROCEEDINGS, BY RESOLUTION, TO INCLUDE DISTRICT-
OWNED PROPERTY WITHIN ITS BOUNDARIES.

The Irrigation District Law as it exists and aided by the case of Rock Creek Irrigation District vs. Merced County gives specific authorization to such a district to include its own properties within its boundaries. The Community Services District Law contains no such express authorization and the matter is in question as to whether the Rock Creek Irrigation case would apply to a community services district.

San Juan Suburban Water District does own certain properties including a reservoir site which lie outside its exterior boundaries. It is felt that if the Board of Directors is specifically authorized to institute inclusion proceedings and to otherwise comply with the present law relating to inclusions that an equality would result between the community services district and other districts whereby district-owned property, which, of course, is public property, would not be subject to taxation by a County. The writer does not mean to infer that this might not be the law today if the question were submitted to the Courts. The question has not, to the knowledge of the writer, ever been litigated. Any amendment to the law along these lines would simply give specific authorization for a community service district to perform an act, which in the opinion of the writer, it already has the power to do as established by case law.

The San Juan Suburban Water District respectfully requests your honorable committee to favorably consider the matters set forth herein and offers its complete cooperation in every way possible

in all matters relating to the problems and operations of community services districts.

Respectfully submitted,

DESMOND & MILLER

By William T. Sweigert
Attorneys for
San Juan Suburban Water District

MR. SWEIGERT continues: In addition to the prepared statement, gentlemen, I might add that my late associate, The Honorable Earl D. Desmond, to a great degree participated in the enactment of the Community Services District Law and I suppose that the San Juan Suburban Water District is at least in Sacramento County one of the, or the largest Community Services District.

In addition to those facts, Mr. Jordan, who is the General Manager of the District at this time, has for many years been the General Manager and Engineer for the North Fork Ditch Company, referred to a moment ago, which for a hundred years or more served this area with water.

One thing I neglected to place in the statement and I think it is quite important. The North Fork Ditch Company had a water right on the north fork of the American River which entitled them to the delivery of 33,000 acre feet of water annually free from the North Fork of the American. That water right has been recognized by the U.S. Bureau of Reclamation, and our contracts with the Bureau of Reclamation recognized the fact that the present San Juan Suburban Water District does have this firm right to free delivery of 33,000 acre feet of water annually from behind Folsom Dam.

The problems that we have brought before your Committee today are strictly our own problems based on several years of operation. I might add, also, that I am a private attorney; I am what you call a general practitioner. While I represent this district and the Arcade Water District in Sacramento, I have enjoyed the best of relations with our County Counsel's Office here in Sacramento. We are negotiating contracts all the time for various purposes of school districts and so forth; we have enjoyed very pleasant relations. Unless your Committee has any questions, I believe that constitutes my presentation.

BRADLEY: Mr. Britschgi has a question and then Mr. Winton.

BRITSCHGI: Mr. Sweigert, what this amounts to, as I was trying to follow you, is a district within a district. How would you go about determining who would receive the benefits and where do you draw the line?

SWEIGERT: I think the answer to that can be demonstrated. Perhaps I should have explained it a little more in detail. Our district covers some 27,000 acres, a great portion of which is agricultural land. However, over in the Orangevale-Folsom area, down near the Dam, we find heavy concentrations of subdivisions going in - domestic users only. I think that the impetus for sewers would come from those people; in other words, they are the people who wanted sewers. We have had this experience in the district and I think Mr. Jordan could expand on it. Those people came to the Board of Directors and said, now look, we've got to

have sewers. At this point the San Juan Suburban Water District is authorized to serve only water for the various purposes under the one section of the Community Services District Law. Now, supposing only a small limited segment of our district, which is strictly subdivision domestic users, also needed sewage, street lighting, or whatever they might need, all of those purposes are expressly set forth today in the Community Services District Law. We feel that in the event the Board of Directors of the Community Services District would see fit to engage in that type of service to that limited area that that limited area should bear the cost of it. I don't feel it would be proper to go to the entire district - agricultural users and large acreage holders - to talk about street lighting to them. That's not their problem; I don't think that they should be made to pay for it or participate in it in any way.

BRITSCHGI: I might say this to you that I am just a little bit remiss in trying to pass some of these bits of legislation that would make it easier for some of the people to get so involved that they never will get out of their difficulties, and I think that probably that's one of the things I find wrong here. We have listened to several people to find out ways of taxing different areas and getting certain things, and then the poor people wake up some day when their tax bills get too high and say, "Aw nuts to all this; let's move down to San Joaquin County or Merced, or some place else," and I just wonder whether we should do all these things.

SWEIGERT: I can see your point. You see, I'm not here today to request any amendments along the line of giving the board

of directors of any district in the first instance the power to tax anybody for these additional services. The sole point is that it could be authorized that the board of directors of a Community Services District, in the event they are approached by some people within their district representing a very limited area who want another service, could provide them with this service. Right now we've got water and that's all we are authorized to render under the law, and we have in fact had some people in Orangevale request that sewers be put in. I don't feel that the balance of the district, which includes a portion of Placer County - it's a tremendously large district - should be called upon or bonded by sewers or street lighting. They don't need them. I think that in the event the board of directors is approached by a local district, or a local district concentration of subdivision homes, desiring an added service, they should be in a position to go ahead and say, "All right, we are authorized to go ahead and find out what it is going to cost you folks," and then go into the thing. The impetus would come from the people - not from the board of directors.

BRITSCHGI: May I follow with just one more question, Mr. Bradley, and then I'll be through. Would you then follow the same procedure of, say 51 percent petition basis; is that what you're thinking about?

SWEIGERT: Yes, the normal . . .

BRITSCHGI: Property owners, or something like that?

SWEIGERT: Well, actually, we have no specific

BRITSCHGI: You haven't thought that far?

SWEIGERT: . . . recommendation in that regard, but the manner in which improvement districts are formed within districts, which is a common thing in the law that the Community Services District has now. But in order for the people of a local area within a large Community Services District to get an additional service - one for which the district was not primarily formed - under existing law we would have to call a whole district-wide election. Well, those people out there - the agricultural users - aren't interested in street lights and so forth, so if the impetus could come from the local people and the district could be authorized to determine whether or not on the basis of responsible studies the project would be feasible, what it would cost, and so forth, to go ahead and do it, that's all we are talking about because we did have that problem.

BRITSCHGI: It just occurred to me that down in Los Angeles two weeks ago we had a gentleman appear who wanted to construct a building under the provisions of this act - so I just wonder where we are going to stop on this thing.

SWEIGERT: Of course the Community Services District Law as it presently exists authorizes a district to be formed for a multitude of purposes. . .

BRITSCHGI: That's right.

SWEIGERT: . . . water, fire protection, police, street lighting, and so forth. Our district was formed primarily for the sole purpose of providing water, which was the problem at that time. Now, in view of the growth that we have experienced out there in

certain areas, the people want additional services. And I might say this, that during the several years that I have been associated with not only the San Juan Suburban Water District but the Arcade County District here in Sacramento County, it has been a credit not only to the legislation enacted by your honorable body, but to the hard work of these local people. They have acquired water systems, they have been going ahead and developing and really doing a wonderful job, and there's no tax rate involved that amounts to anything. The Arcade County Water District doesn't levy a tax any more. They've forgotten about it; they are living solely on the revenues derived from the sale of water. The San Juan Suburban Water District largely is doing the same thing. They have a slight tax rate of 13 cents per \$100 to cover some minor operation and maintenance costs, but I think it's a credit to the people in these local districts that they have been able to go as far as they have. The elections were overwhelming. I think now that our problem is one of agricultural vs. subdivision use. They might want a little more service and if we can tell them that (1) we are authorized by law to give it to them, and (2) based on studies we can tell you how much it will cost you, then they can either say forget it or go ahead, we need it. We don't know the financial feasibility of any of these things until the people come to us and request such a service. I think that's the core of the thing and I think the Board of Directors should be authorized to go ahead and determine what the cost would be and so advise them. Then if they want to abandon the proceedings they can do so and that's the end of it. I don't think it should come from the board of directors; we don't want it to.

BRITSCHGI: I'm beginning to think that the question is who is going to pay the initial cost in checking on the procedures that would be followed. As a matter of fact, we were discussing that at lunch today as far as incorporations are concerned; who should bear that initial cost? Should the board of directors pay for that or should the certain segment in a small district?

SWEIGERT: I have no magic answer to that. I feel that basically our district now is in a revenue producing business. They own and are selling water. When we get into sewers or street lights, and so forth, we are not obtaining any revenue.

BRITSCHGI: That's right.

SWEIGERT: That's very true; those are the problems that have to be solved. We are simply more or less dumping into your laps, gentlemen, the problems we are experiencing here.

BRADLEY: Mr. Winton has a question.

WINTON: First, I think you stated in concluding the first part of your presentation that improvement districts would be the answer. I'm dumb on this Community Services Law. Are you authorized presently to form improvement districts within it?

SWEIGERT: There are provisions in the Community Services District Law at present to form

WINTON: Your problem is that you can only form them for the purposes for which the district was organized?

SWEIGERT: That is correct.

WINTON: Then if sanitation was not one of those purposes, you could not form an improvement district for sanitation.

SWEIGERT: Right.

WINTON: The only other answer then that those people would have is to go out and form a separate sanitary district which would be piling districts on districts.

SWEIGERT: Yes.

WINTON: They would form a sanitary district; then they would form a lighting district, and they might form a fire protection district, and you would have the multiplicity of districts which almost everybody appearing before this committee has argued is bad.

SWEIGERT: That's correct. In other words, we have all of the list of services in the Community Services District Law, but simply because we chose only one in the beginning, we are cut off from the rest of them. If those others could be made available to us, I think it would alleviate a lot of this problem; we wouldn't be forming new districts at all.

BRADLEY: Mr. Biddick.

BIDDICK: As I understand it, too, at the present time, Mr. Sweigert, if you had authorized these additional purposes at the outset, you subsequently could have provided them for the entire district or for a portion of it?

SWEIGERT: That's correct.

BIDDICK: In other words, it doesn't represent a very drastic change in the nature of the operation of the district, because you can now provide different types of services within the district, and all you want to do is merely provide some procedure whereby you won't have to have a district-wide election to give the same sort of services you could have if you had merely specified it at the outset - even to a portion.

SWEIGERT: That's exactly our point.

BIDDICK: Now the other thing I'm wondering is this. I know that this act represented a lot of struggle, hard work and compromise between the League of Cities and the Supervisors' Association, and I'm wondering whether your suggestion has been explored with either of these groups, particularly with the Supervisors.

SWEIGERT: These suggestions as we have brought them forth here today come solely from the board of directors of the San Juan Suburban Water District, and we haven't talked to anyone else about them.

BIDDICK: Well, there is no reason why you should have to; I was just curious to know whether you had.

SWEIGERT: No, we haven't. These are simply our own thoughts based on our experience.

BIDDICK: Thank you.

BRADLEY: Are there any further questions? Apparently not, Mr. Sweigert. We appreciate your and Mr. Jordan's appearance before us and for adding your remarks to our record.

SWEIGERT: Thank you very much for the opportunity.

BRADLEY: Is there a Mr. John Mogan present? Ladies and gentlemen, in the absence of any other witnesses who desire to address the Committee, I am assuming that Mr. Mogan will be the final witness.

JOHN E. MOGAN, Chairman, North Area Tax Payers Council, and former President, North Area Community Services District, Sacramento County: Mr. Chairman and Members of the Committee,

my name is John E. Mogan, 4049 Dry Creek Road, Del Paso Heights.

We have practically the same problem as the speaker before me. Mr. Sweigert is also our attorney and was during the fight for the formation of our water district. I received a letter from Mr. Farrell inviting me to express my opinions and my recommendations in view of the fact that our district was dissolved by a vote of the people last fall. The reason that we were dissolved was the very thing that he brought up.

Now in our five-mile circle, about five miles outside of Sacramento here, we have a sixth class city of 10,000 people, the City of North Sacramento. We have one county sanitary district; we have two county sewer districts; we have three fire districts, we have four school districts - within a five-mile circle and about 40,000 population. I've prepared a statement here in answer to your invitation to my suggestions, although we have given up this hodge-podge of districts altogether and we now have the four districts of Hagginwood, Del Paso, Robla, and Northgate, comprising some 40,000 people, in the course of being annexed to the City of Sacramento - so we will soon have our city services. We are not all lawyers, so, as the district directors, we hired a very good lawyer in Mr. Sweigert, but as he said, he couldn't solve the riddle either.

Now we proceeded to try to get sewers in the north end of our district. We had about 2,000 homes there in serious need of sewers, north of North Avenue, between North Avenue and H Street. However, it was overlapped by the Hagginwood Sanitary District

which had grown so fast in the past ten or fifteen years that they could not furnish sewers to the balance of the district. They couldn't expand because they didn't have the facilities. They were securing their sewers through the Sacramento Sewage Plant, and of course they had no further contract capacity to give Robla. So when we had an election the voters became confused in spite of the fact that we sent letters out to every voter. We had the opposition of a large eastern water company that made it its business to try to destroy the Community Services District because they feared the competition and the loss of \$200,000 that they were taking out of the district. So they put their different agents in the fire department there and the fire department became very hostile to the new Community Services District directors. They even attempted to break up our meeting and we finally had to call in the Sheriff's office to get protection from hoodlumism of fire department employees, mind you, who were paid by the taxpayers and yet were working for a private eastern water company because of 2½-inch and 3-inch mains that they controlled for many years in the southern part of our district. And I was for 18 years Fire Commissioner, fighting that battle to get a good water supply for the people. I was removed from the board by the County Board of Supervisors because I put up a fight to get 6-inch mains, which was according to the recommendations of the Board of Fire Underwriters of the Pacific. I was taken off the board and a new board member replaced me who was fearful toward the water company. That same board absolutely covered up the 2½ and 3-inch mains which supplied one-

third of the 350,000 feet of water that was used in the southern end of the district. More than 33 percent of their mains were 2½ and 2-inch, and another 34 percent were 3 and 4-inch. In 1950 a survey by the Board of Underwriters of the Pacific stated that all mains should be not less than 6-inch in the built-up section of that territory with some 4,000 homes. The company covered 8,000 homes and absolutely refused to put in larger mains. We started this Community Services District with the idea of taking in all community services such as fire protection, water, sewer, lights, etc., but we were told that we could not pass it with the opposition of these people who already had this water service in the southern end of the district unless we removed all but one service, and that was water, which we were forced to do. I was removed from the board because I refused to do that before.

Now the water company has come in there; they have over-run our district with the help of the fire department which has been hostile and refused to come to our board. I even offered to increase our board to five members and appoint their three fire commissioners to the board, since we had one vacancy. They refused. They went down and paid for hydrants out of public funds to the private company to over-run the southern end of our district which was the built-up, high value, section of the district; they over-ran the district while we were preparing plans with Mr. Sweigert and our engineer, Mr. Drury Butler. They told the people, of course, that they should defeat the bond issue because they had water in their area already. Now, after they have defeated the

district - we have dissolved it - they have run their water supply only to North Avenue. They have defeated the bond issue and dissolved our district, so now they will only serve the high value section of the district and have stopped running mains into the other section. They have no overhead tanks; they had dead-end mains - hundreds of them; they have 2½-inch mains which the firemen know as I told them before the supervisors would be pumped dry in the event of fire within ten to fifteen or twenty minutes with one of our 750-gallon pumpers. This has been done time and time again at fires. So, they haven't any overhead tanks; they haven't any gridiron system where they have a continuous flow of water; they haven't any elevated storage where their mains could be kept full to give continuous pressure in case of a fire.

We dissolved the district entirely on the advice of our engineers, and we are going into the City of Sacramento which will double the size of the City of Sacramento if we succeed - taking in 27 square miles.

It's too late for us now, but for other Community Services Districts my recommendations are these: there should be a law passed making severe penalties for misrepresentation by private interests against a public district that has been voted in by the people by a ten to one vote. They shouldn't be allowed to misrepresent and smear and flood the district with newspaper advertising, misrepresenting facts, and stating to these people that they would lose their homes if they put a Community Services District in there, when the fact is, they are taking a profit of \$220,000 back to

Connecticut every year for their water and charging a terrifically high rate.

Since the time the people were foolish enough to dissolve their district, they have come to me and told me that they paid \$28.00 for a two months' water bill where they have a home of 12,000 square feet and the usual lawn in. Others have paid \$12.00 to \$15.00 a month for water in an average home, even small homes. The rates were raised through the Public Utility Commission to \$2.05; they applied for \$3.00 but we put up a fight and went before them in San Francisco, so they compromised for \$2.05 for the meter charge. Regardless of whether you use an ounce of water or not, you must pay that meter charge and that's for the first 700 cubic feet. Then they next raised it from two cents per 100 feet. The result is they have had a raise of 33 percent in 1953 and now they have a raise of about 20 percent, making it approximately a 54 percent raise. The City of Sacramento furnishes water without meters for \$1.40 for all the water you can use in a six-room home, and their highest rating for ten and twelve room homes is \$2.10 flat rate for all you can use. Mr. Cavanaugh, the City Manager of Sacramento, showed the people of Sacramento how fortunate they were when he compared their rate with that of our area. The same amount of water that would be used in Sacramento would cost \$16.80, and there is costs \$56 to \$100, and probably more.

Another recommendation that I would like to make is that a Community Services District should never be formed just for one purpose; if they want a single-purpose district, they should use

another act. We made the terrible mistake of giving in to the pressure and forming a Community Services District for the purpose of water, with the idea of putting the fire department and sewers in later. If we had, just as this gentleman said, if we had a Community Services District and it was formed for the purpose that it was intended, Earl Desmond, who was our attorney and volunteered his services later, recommended that that sort of thing should be abolished. If they want a Community Services District, let them form one, and then the directors can give the service needed in any particular section of that area without having to have another vote at a general election.

The general election was what defeated us for sewers because the 2,000 homes in Robla didn't have the vote that the 4,000 homes did that were in the neighboring sanitary district of Hagginwood and overlapped our district. They sent out letters to those people telling them that they would have to pay double for their sewerage, which was absolutely false, of course, in spite of the fact that I sent out 3,000 letters stating it was not so, and that they couldn't be charged for some service they didn't receive. But they defeated us; they brought carloads of people over there and defeated the sewers because of the fact that they had to vote district-wide where just the ones who needed that sewerage and would have paid for it, should have voted.

So, the whole mess is simply beyond our comprehension and control. We have decided, all of us, to get into Sacramento and have city service for our sewers, water, street lights, and every-

thing else. I had letters from different districts and I told them that if they were adjacent to a city that they should certainly never form a Community Services District, that they should attempt to become a part of that city. If they were not adjacent to a city, then they should have the full powers of the Community Services District Act as it was intended and they should not form one for any single service because in that way they are hamstrung; they have turned themselves into a single-purpose district. It was almost impossible, in view of the opposition of the older established district. You would be amazed. These district people don't even get paid; many of them get less than \$10 a meeting, but they want that prestige. They are jealous, and are egged on by these selfish interests and by these various people put in by pressure groups. The directors were abused. These people went from house to house making defamatory statements. I finally had to threaten to sue them for \$100,000 for defamation of character. Now, after all, that's not the American way to do things; it merely causes a lot of ill will and hard feelings, when they should have kept the Community Services District for what it was intended in the first place.

Thank you gentlemen.

BRADLEY: Are there any questions from members of the Committee? Mr. Geddes.

GEDDES: When these activities were being carried on, did anyone think of going before the Sacramento County Grand Jury for an investigation?

MOGAN: I brought it up before the Board of Supervisors and protested; I even went to the Sheriff's Office but I had no results whatsoever from it.

GEDDES: But you didn't go to the Grand Jury.

MOGAN: No, I didn't go to the Grand Jury because we were so thoroughly disgusted at that time that we decided to go into the city. Every time we tried to do something, they would dig something out of the hat to stop it. A Community Services District is all right in the country but if you are near a city, you are far better off being annexed to that city.

GEDDES: Well, as I gather from your remarks, sir, the Community Services District, if it is formed to do any or all of the things that are contemplated in it, does not overlap any more than we in a city think of ourselves as living under different districts in that city. We have these different services and they are all administered by the one city agency, just as services would be under a Community Services District, so that would be one way to avoid overlapping districts. If you form a sanitation district, or a sanitary district, or a sewer district, and each one is a separate district to serve the same area, then of course you do have the overlapping.

MOGAN: Not only overlapping, but you have violent opposition.

GEDDES: Well, yes, because . . .

MOGAN: From the people who are in these older districts.

GEDDES: That's right. Any time an ox is going to get gored, why there is always objection.

MOGAN: My recommendation, now is that if a Community

Services District is voted for by a majority vote, or a two-thirds vote of the people, that all single-purpose districts within that area should be automatically abolished, the same as they are in a city. Then you wouldn't have that opposition.

BRADLEY: Thank you very much for your presentation.

I have a request for one more witness, Mr. Perrott.

Will you come forward and identify yourself, please?

THELO A. PERROTT, District Engineer, County Sanitation District No. 4, Santa Clara County: Yes, Mr. Bradley, I am Thelo A. Perrott of 954 Forest Avenue, Palo Alto. I am the District Engineer from County Sanitation District No. 4, which is your own district. There is something that has always bothered our district so I am here at the request of the County Treasurer, Mr. Ferguson.

We handle most of our projects down there under the 1913 Improvement Act and the 1915-35 Bond Acts. It's a very satisfactory procedure for the people and allows them to encumber their property for these improvements; a lien can be put on their property regardless of how much money they owe elsewhere. Of course that lien is a prior lien against all other liens that might have been put on ahead of them. When it comes time to make a transfer of property, or a sale, or the people want to borrow money for some other purpose, the banks and lending agencies say, well, if you want this money you have to pay off this sewer bond. Most of the bonds will only run in the nature of four or five dollars a front foot, plus a lateral cost, but in this particular act it requires that in paying off the bond, the principal is paid off to maturity, plus the

interest to maturity. Then the bonds are called and when enough money is accumulated to call one of the serial bonds, the treasurer does this, making an adjustment - there's a slight charge for advertising and clearing the bond. Then he refunds to the property owner the difference of what was used up on the unpaid interest. It's quite a cumbersome method for the treasurer; it seems awfully unjust. It is only a subterfuge by the lending agencies to get away from a provision in the Act that was put there for the benefit of the people.

It would seem that the 1915-35 bond act should be amended to prevent the banks and lending agencies from forcing the people to pay off these bonds. Most of ours are fifteen years, and after they run five, six, or seven years, if there is a transfer of property, it is perfectly within the law for the new property owner to pick up the bond and pay it off. But, if you want to borrow money to buy this property, you have to pay the bond off because they don't want a bond lien coming ahead of theirs. Maybe you are buying a ten or a fifteen or a twenty-thousand dollar house and there is a \$200 bond against it for sewers. It seems an idiocy to have to pay that off and it's a big bother for the County Treasurer. I've talked to Mr. Ferguson at length about this and he is very much in favor of doing something about it. If there is any way for your Committee to work something out to prevent the lending agencies from forcing these people to pay off these bonds - which were developed primarily for the purpose of putting in improvements - we would appreciate it. I don't know if there is any way but it is a good

thing to look into and, as I say, we would appreciate it very much, as I am sure would other county treasurers or treasurers of any of these districts and cities which are following the same type of bond procedure. Thank you very much.

BRADLEY: Thank you, Mr. Perrott. Now is there anyone else who would like to address the Committee? May we have your name and your position, please?

GERALD L. WORTHLEY, General Manager, Ora Loma Sanitary District: My name is Gerald L. Worthly and I am General Manager of the Ora Loma Sanitary District, one of the larger districts in Alameda County. I am also Manager of a Community Services District. Although primarily I am here in regard to the sanitation-sanitary problem, there are two aspects to this situation that have been touched upon very briefly in both the Los Angeles hearing and this hearing, that a great many people think are important.

One is the ease with which these special districts can be formed under existing law, and the second is that it's so hard to do away with districts after they are in existence and performing no satisfactory use. I'll give you two concrete examples of what I am talking about.

In Alameda County we have a Community Services District formed primarily to prevent the area from being annexed to either one or two cities lying on either side. There was not sufficient assessed valuation to enter into any feasible project although the district was created to perform all types of services. They levied

quite a high tax; they pay an attorney and they pay the board, but they have never spent a penny for any useable service. Now, strange as it may seem, their tax rate has been up in the 80 cent bracket; this year or last year it was 46 cents. It provides enough money to pay the board members and it provides enough money to pay the attorney but it never has done anything. Now, of course, we can say that the people have the recourse of recalling the board, or they have the recourse of abolishing the district. However, here is a situation where actually they haven't. It's in a slum area with a high density population, mostly transient, and non-property owners have the vote. They are very pleased with the situation as it now exists because non-residential property owners are paying the bill. This is one aspect.

It appears that there should have been some agency at the time of creation of this district that would have had the power to say that it is not feasible, it is not economical, it shall not be formed.

The second example is an existing water district in Alameda County. It has been in existence, I would say, for somewhere around fifty years. It was created for the purpose, originally, to provide water to large property owners who were farmers and for some reason or other they have never supplied this water; they have never supplied services of any type. The same thing applies as was mentioned earlier today; they have never had an election that I can recall in the years that I have been there. They levy a tax rate; they have a couple of very well paid jobs that they maintain.

Now nobody kicked about that part of it over the years, but there has been another element interjected into it with the tremendous development of the area over the thousands of acres that this agency incorporated within their boundaries. Any other agency that does supply water cannot intrude into their area until they have excluded this property therefrom. This has generated into what many people have called an exclusion racket. If you go through the proper procedure with the attendant expense, with the proper individuals, you can get your property excluded - maybe.

Now we as a sanitary district - going back - have won quite a wide acclaim for being very progressive minded. We serve two large cities. We have financed and have under construction at the present time facilities to serve a population of 284,000 people. This is the tenth consecutive year that we have reduced tax rates - and I mention this only as an afterthought to emphasize the fact that sanitary districts under the 1923 Act can be operated efficiently. We were the first sanitary district in the State of California to go into flood control and complete drainage as an operation of the sanitary district. We were also one of the first ones to go into complete garbage disposal service. As a matter of fact, the Los Angeles system is copied after ours on a larger scale. The only difference is the gentlemen in Los Angeles testified that down there it cost them three dollars a month; we provide the same thing for a dollar a month.

There is another unusual activity that we enter into; we provide lands that we own - marginal lands and waste lands that

we have acquired over the years - with utilities, and turn them over to industry at cost to broaden our tax base. This has worked out very well. It is an unusual accomplishment for a sanitary district but one that is well worth copying. I mention this only to bring out the fact that the area we are developing as an industrial area to pass on to industry at cost was within the boundaries of this particular water district, and some of the big farmers were against industry. It took us two years to get that area excluded to bring industry in.

There are two abuses that are clearly within the prerogative of this group or the Legislature as a whole to improve or correct. We have been in this business many years and can remember back to the paving scandals of the late '20's which this Legislature then corrected by what they called the District Investigation Act of 1933, among other things, which made it mandatory that anybody creating a special district would have to show engineering and economic feasibility or it could not be created.

That pendulum swung so far to one side that for several years there were no special districts created in the State. Now I think the Legislature has swung the pendulum too far the other way. Under present laws any smart promoter, or small minority, can go out and create a special district and if he can lull the people into the idea, they will vote for it. They create a taxing agency; they levy a tax; they hire a staff of assistants, and they may elect the best five men in the community to the board. There's only one time in 10,000, however, when one of those fellows

on that board has any technical knowledge, probably, of what he is trying to do. If they get a good administrator, they may get a good job; if they don't they will get a lousy job and an expensive job, but it's still legal.

Now those two factors, I think, this Committee should give a lot of consideration to: toughening up the methods, or the requirements, for district formation, and loosening up the ways of disposing of these entities that are created only to provide a job for somebody, without any particular use or benefit to the people. These things should be done even if we are treading on the toes of the so-called philosophy of the democratic way of life where the people have the right to do what they please. People are funny. In these special districts there are many abuses that I know of and it appears that the people don't want to do too much about it, but I think it is mandatory on the administrative and legislative branches to do something about it.

Thank you, gentlemen. Now, one other thing. I am also treasurer of the California Sanitary Districts Association and I want to reiterate that we are ready and willing to cooperate in any way to give you the benefit of our experiences. I think that Mr. Nejedly, followed by Mr. Sturgis, who are on our staff, have indicated that they have a world of experience and they could help you in these legal matters.

Gentlemen, I thank you for the opportunity to appear. Are there any questions?

BRADLEY: Thank you, Mr. Worthley. Are there any questions? Mr. Biddick.

BIDDICK: I was just wondering if there were any specific suggestions that you had as to how you would make it any more difficult to form a district. That seemed to be one of the key problems.

WORTHLEY: I think that any area that has a problem that needs solving by the creation of a special district, if they cannot raise the funds to provide the adequate survey, can in their own area generally get the necessary citizen committees of technicians who are familiar with the problem to make at least an analysis. Secondly, there are many agencies - I think from an engineering standpoint that the county surveyor could pass on a lot of these things from a sanitary standpoint, and it is certain that the State Water Pollution Control Board and the State Board of Health could. I would not consider any plant project of any type in my district with my own engineers - in whom I have all the faith in the world - without the approval of both of those agencies. And I think it should be mandatory that somebody at least gives the majority of the people a fair shake for their dough.

BIDDICK: You wouldn't make it mandatory, necessarily, that these agencies approve it, but that they review it and make a public report. Would that be . . . ?

WORTHLEY: There is a matter of simple feasibility, engineering feasibility, and simple economics, connected with any proposed project that they could show the people. Then if they wanted to go ahead, it's their responsibility.

BIDDICK: That's what I was getting at; just as long as the people had the facts from one of these supposedly unbiased

sources and the facts were presented then it would be up to them to decide whether or not they wanted to go ahead.

WORTHLEY: Well, let's go back to this Community Services District that I'm talking about. One man promoted it and he created his own board, you might say. He was appointed manager at a salary of \$1500 a month, although the first year the total tax take was only slightly over \$1500 a month. That situation is absolutely legal under existing law.

BIDDICK: Just what do they do in this district? I mean, what does the manager do?

WORTHLEY: Well, the few property owners in the area finally got concerned because they were paying the bill, so they went to the board and asked them to dissolve this district and they would not. Well, it created such an unsavory situation, you might say, that they appointed a citizens committee to act as an advisory board, of which I was a member. We appeared before this district board and explained what they were doing wrong and subsequently, due to the success of the sanitary district of which I have been manager for many years, they asked me if I would become manager of this district. I did, at a salary of a dollar a year, which incidentally, I have never received. But we pointed out to the board that first they should not levy a tax until they had the project; secondly, they didn't need a manager, and they didn't need an attorney, for that matter, until they got to the point where they would have something to do. What they should do, actually, is abolish the district. Well, they did not want to abolish the district. The five board members had obtained a

certain amount of prestige and it was the first time that these people had been able to engage in any governmental operation, and so, over the objections of the committee, and over the objections of their hired manager, which is me, they are continuing to do nothing but levy the tax rate. They still pay the attorney. They still pay their board fees, and that is the situation. Now, here is a group of people - some of them can hardly read or write - who are duly elected and qualified officers of a political entity of the State of California and empowered to levy taxes and spend public money. You have a situation where there are about six or seven hundred registered voters in the area and I should say that only about 10 percent of them are property owners, so you cannot by vote correct the situation.

BIDDICK: Mr. Britschgi wanted me to ask what the attorney does!

WORTHLEY: The attorney does nothing because there is nothing to do except collect his pay - which is legal under the law.

BIDDICK: I think Mr. Britschgi finally has a point now.

BRADLEY: All right, Mr. Worthley, we thank you for your presentation.

WORTHLEY: Thank you, gentlemen.

BRADLEY: There being no further witnesses to be heard, the Chair declares this meeting adjourned.

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CHAIRMAN CASEY: All right. We will call the meeting to order. Will the secretary please call the roll.

SECRETARY NICOLAUS: Cusanovich - Francis (here) - Grant (here) - Kilpatrick (here) - Meyers - Casey (here).

CHAIRMAN CASEY: All right. Now, ladies and gentlemen, this is an Assembly interim committee meeting of the Committee on Natural Resources, Public Works and Planning, and our concern today and tomorrow is to take testimony regarding the development and the problems of the Kern River and the Kern Canyon and the contiguous areas. We have divided our agenda into two parts. This morning we are going to devote the hearings to the wilderness plateau area. Tomorrow we will take up a series of related problems, dealing with the Kern Canyon and Kern River Valley, the problem of Highway 178, the question of Lake Isabella, and the development of a scenic highway and other related problems.

Now, at this time I would like to introduce to you the members of the committee. On my far right is Assemblyman Frew - Myron Frew from Visalia. Assemblyman Frew is not a member of the committee, but he has intense interest in the problem of the wilderness plateau area and is sitting with us today. Next to Assemblyman Frew is Assemblyman Lou Francis from San Mateo, a member of the committee. On my immediate right is Mrs. Mary Nicolaus, the secretary to the committee. On my far left is Assemblyman John Williamson from Kern County. Assemblyman Williamson is not a member of the committee, but is sitting with us today as an interested party. Next to Assemblyman Williamson is Assemblyman Kilpatrick from Los Angeles.

Lynwood,
KILPATRICK: XXXXXXX, Mr. Chairman.

CHAIRMAN CASEY: Lynwood - pardon me. And on my immediate left is Assemblyman William Grant from Long Beach. Also we have Mr. John Meng who is distributing the notices out there in the audience, who is consultant to the committee. In the back we have Mr. Charles Mier, who is the

sergeant at arms at this particular hearing. And myself, Jack I Casey Assemblyman from Kern County, and a Co-chairman of this particular committee. Unfortunately, Mr. Lloyd Lowrey of Runsey, who is the Chairman of this committee, could not be with us today. I understand he will try to be with us tomorrow.

In the order of testimony, first, we have Mr. Eldon Ball, who is Regional Forester for this district and in charge of the Sequoia National Forest. So, if Mr. Ball will come forward, please. Eldon, would you first talk into the microphone and identify yourself for the purpose of the record?

ELDON E. BALL, SUPERVISOR OF THE SEQUOIA NATIONAL FOREST: My name is Eldon E. Ball. I am supervisor of the Sequoia National Forest, with headquarters at Porterville, California. Mr. Chairman and members of the committee, I would like to set up a map and screen here in front of the committee, and if it would be possible for the committee to occupy the front seats, I think it would be easier for the committee to see the projections ~~slide~~ as we present them_____.

CHAIRMAN CASEY: All right, would the committee mind taking the front seats here in the auditorium for the purpose of this presentation?

BALL: Ladies and gentlemen, at the request of the Committee Chairman I have been asked to cover the Forest Service program for development of the National Forest land that is tributary to the Kern Valley, and to the area in Kern County, which is being considered at this time. Now, that is rather a large order, and in order to complete all of my testimony today to lay a background for the area, I will cover some areas of the National Forest land that are not entirely on the Kern plateau. But I will try to orient you on the map to the area that will be covered in my presentation.

This map is a map primarily of the Sequoia National Forest, with a

small area of the Inyo National Forest which is immediately contiguous and is beyond the Kern plateau shown in green.

To orient you to the map itself, Bakersfield is at this point here. The Kern River is coming down through Lake Isabella, and this is the lake area _____, coming down through this way is the Kern River. Porterville, Tulare County, is here. Highway 6 and 395 comes down at this point. 395 branches off here. Highway 6 proceeds south. Walker Pass is at this point here. Highway 178, the eastern terminus of 178 is at this point on Highway 6. This, then, is the center of the valley with the Sequoia National Forest shown in green, with a different shade of green showing the part of the Inyo National Forest that is on the Kern plateau. The plateau itself, just briefly, is defined as generally the area between the main _____ Kern that comes down through this way and drops down through Lake Isabella and out this way, and the South Fork of the Kern projects up ~~at~~ in this general area of Mt. Whitney, and generally comes down through this area and around this way, and drops down through the forest and out of the canyon at this point and levels out into the valley area itself.

In discussing these areas, briefly the area that is tributary to the South Fork valley or the Kern River Valley, or better, briefly, the _____ Divide area from Highway 190 down through Greenhorn Summit and carried on down through Evans Flat, the lower Kern River area, the small area here, Breckinridge Mountain and Payute Mountain, Soda Mountain, the Upper Kern and the plateau area which is immediately tributary to the Kern River valley by this _____ comes up the canyon here _____.

This area, then, in covering this -- before I list the recreation potential, I would like to ^{briefly} discuss the concept of management of the national forest, ^{because} as I believe that this is of major importance to

our program of development and use for the general public. With a cover type and rainfall conditions that are varied in the extreme starting here at the mouth of the Kern canyon where we have less than 700 ^{feet} ft. elevation up to the Sierra crest that is over 12,000 feet, and where the rainfall varies from approximately five inches at the mouth of the canyon up to around 40 inches at ^{the} higher elevations, and with a cover type that ranges from sagebrush, cactus, yucca, through the pinon pine up through the mixed conifer type, to the redwood type, where we have the giant Sequoias, on through that into a timber-type of foxtail pine, limber pine, the extremely high elevation timber, on up to the bare rocks at the top of Mt. Whitney, it behooves us to try a different type of management for different areas. Management which will provide for recreational use is relatively easy in that some form of recreation can be had at any of the elevations and in any of the cover types. But the other natural resources that are to be considered in this area must vary to fit the conditions.

Now, briefly, the Forest Service concept of management is based on multiple use; that is, the constructive use of all of the resources on the public lands in the National Forests. The concept of multiple use, while it goes back to the establishment of the National Forests, has been evolutionary to the extent that we are developing new uses constantly. It was 71 years ago that the Forest Preserves were authorized to be withdrawn from the public domain and were put under the Department of Interior under the Secretary of Interior for Management. Now, at that time, in 1891, no provision was made in the original act for administration of the uses of the Forest Preserves. However, six years later, in 1897, the Secretary of Interior was authorized to regulate occupancy and use. He was instructed to improve and protect the forest, to secure favorable conditions of waterflow, a continuous supply of timber, and provided for the sale of timber and other products, and he was also instructed to apply the provisions of the mining laws on the National Forests.

With this instruction for use, the varied uses of the National Forest began. Management of the resources, other than the timber, water and minerals, were early recognized, and in 1905, when the National Forest or the Forest Preserves, were transferred to the Department of Agriculture, the Secretary, Secretary Wilson at that time instructed the Chief of the Forest Service, Gifford Pinchell, that in the administration of the Forest Preserves, it must be clearly borne in mind that all land is to be devoted to the most productive use for the permanent good of the whole people, and not the temporary benefit of individuals or companies. "You will see to it that the water, wood and forage of the Preserves are conserved and wisely used, ^{Where} ~~for~~ conflicting interests must be reconciled, the question will always be decided from the standpoint of the greatest good for the greatest number in the long run."

In our management of the National Forests, we have tried to follow that precept of the management of the greatest good for the greatest number in the long run, and that is our program on the Sequoia Forest here. In 1907, the term "Forest Preserves" was dropped, the idea of the preserve being to lock up and at that time, the term "National Forest" was used, indicating that these areas were available for the use of the general public. This program, then, of use for minerals, for grazing, for recreation, hunting and fishing, for the production of timber, all were considered in various forms of legislation and in the Act of June 12, 1960, two years ~~ago~~ ago, Congress confirmed this program ^{B2} of multiple use management that has been practiced since 1905. In this Act of June 12, the so-called multiple use act, it was spelled out that this program of equal consideration for the use of wood, water, forage, ~~and~~ wildlife and recreation would be considered in the management of the National Forests.

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With this background, I think that I ~~had~~ had better explain the contribution the Sequoia Forest ~~can~~ can make to the economy and to the use of these

areas for Kern and Tulare Counties, and more particularly to the Kern River Valley in meeting the recreation needs. In meeting the needs of these local areas, it must be recognized that we must also meet the needs of the other owners of the National Forests, the 180 million citizens of the United States, each of whom has an interest in each of the National Forests, our neighbors to the south in Southern California, where they tell us that within a few years there will be 20 million people. They with us, own these National Forests throughout California.

In order to meet the need, many studies and plans have been developed for the use of the National Forests. On the Sequoia Forest, in 1955, a plan - subregional plan which covered the south half of the Sequoia Forest on this side and the contiguous forest having similar topographic and vegetative conditions, were worked into a subregional plan of guidance for the management for the area. Subsequent to that plan, and within the framework of that plan, each district on the Sequoia National Forest has developed a multiple use plan which spells out the program for development for the area. That serves to guide the District Ranger and the Forest Supervisor in the program of coordinating the use on the National Forest, coordinating all of the uses that may be desired on this public land. Within the framework of these multiple use plans, which I will discuss a little more in detail as I cover the Kern plateau area here, the

District, we have made also in connection with the Outdoor Recreation Resource Survey, a complete study of the recreation potential on the Sequoia National Forest, an inventory in which all of the recreation sites that we feel can be developed have been mapped, and in most instances is classified for their highest use. This is still in the process of growing toward working out the development program at five year intervals up to 1975, and then is being projected beyond that to the year 2000. Also within the framework of the multiple use plan, the coordinating plan, are our timber management plans, our grazing plans,

a study being made, each of our resources, to give us the best information possible to take care of the needs of the whole people.

Briefly, the areas that we will cover again, in covering the western divide, I would like to generally cover the areas that have certain features that lend themselves to recreation in the general area here, the Kern River Valley, and to some extent the areas in Tulare County. For your information, the Tulare/^{-Kern}County line runs right through this area here, and some of this area is more pertinent to Tulare County, but I feel that it ties to the whole projection of the area that can be utilized by this area here. At Quaking Aspen, the end of Highway 190, we have a fourth highway. It comes from Quaking Aspen, following the western divide or the main ridge down through this area, through Parker Pass and on down to Greenhorn Summit, and the projection extends on out where it will connect in to Highway 178, that is, the projected Highway 178, somewhere in this vicinity down here on the map.

If that road -- approximately 17 miles will be completed by this summer, by July of this year, except for surfacing, approximately 17 miles will be completed ^{from} Quaking Aspen to Parker Pass and where the Johnsondale and Hot Springs Road crosses the summit, and in our program for development of the road system will eventually be a connection, a better standard connection from Parker Pass to Johnsondale. At the present time it is a rather low standard road. There will also be a connection northwestward from Johnsondale into the road. That road already exists and is a fair dirt road, to go from Johnsondale up to the western divide.

There still remains a rather lengthy section of highway to be completed down Parker Pass, down to the Greenhorn Summit. But that is projected in our plans and _____.

KILPATRICK: What is the elevation of Parker Pass?

BALL: Parker Pass is about 6500. It is a little over 6000. It is

under 7000.

In this area, and I will give you a few brief figures, Along this area we have three major Sequoia groves. The prima (?) thick grove, a part of which was recently acquired in a land exchange with the Mt. Whitney Lumber Company. That is one of the largest roads on the Sequoia Forest. This type of land was acquired here. That is within walking distance of the end of the western divide highway. The second grove is the Redwood Meadow south on the highway, and the third grove is the Packsaddle Grove in this area here

GRANT: _____ number one grove - is that owned by private interests?

BALL: The Forest Service recently acquired the last of that grove. There is one small area of about ten acres that has a few redwood groves is still privately owned. But other than that we have acquired a grove through land exchange procedures.

Both of these other groves, Redwood Meadow Grove and the Packsaddle Grove, were acquired by the Forest Service in the land exchange with the Warner-Rucker Lumber Company and the Mt. Whitney Lumber Company, a three way exchange in which the Forest Service acquired the redwood groves intact. They were privately owned and they were acquired in virgin state and will remain in that condition.

This area has possibilities for development of -- and I don't want to bore you with a lot of figures -- but, briefly, to cover this area from this point down to here we have projected a program for development of 26 campgrounds, which will provide for over ten thousand people at one time, if they desire to use; eleven picnic areas, which will take care of approximately 1700 people; seven organization sites -- now, by that, the organizations sites are the areas that are used by Boy Scout groups, church groups, major organizations that need a large area for their group to have recreation, camp for two weeks at a time or longer,

and those we have planned in that area, seven organization sites that will take care of a little better than 14,000 people. Along that area there are three winter sports areas potentially. One, the Shirley Peak area is already partially developed; the Tobias Peak area has some potential, but by far the best area along the western divide is the Slate Slade Mountain ~~area~~, and I would like to show you briefly five pictures that were taken on the Slate Mountain area within the last ten days as an indication of the recreation potential for winter sports development.

I would like to turn this screen around, show the pictures, and then turn it back.

Three chambers of commerce in the Kern River Valley asked me about a month ago if we could make a study of the area tributary to their area where winter sports could be developed, where there was a possibility of winter sports. Since we had a good, late pack of snow this year, we thought it was an opportune time to make this study. There are some areas that are tributary to Kernville on the east side of the river that have an excellent potential. This area that I am going to show you has more potential probably for the Porterville area, but (it is from) coming in from Kernville up through Johnsondale, it will be possible to reach from the east side.

Two experts here, one of whom was on the Olympic Ski program during the Winter Olympics, made this investigation for us. They went in by helicopter and skied the areas. Would you show us the Slate Mountain slides. This is Slate Mountain northwest of Kernville, up near the head of the Dooley Indian Reservation. We will just run a few slides, showing the general area. That area is skiable, while it looks rough, it is skiable for experts, and there are plenty of slopes, good possibilities at the tops of the mountain. There is a shot showing the main ridge of Slate Mountain.

Going back to the map -- within this area, while we give great consideration to recreation -- I think we give full consideration --

le I feel that we have given full consideration to the recreation potential in our program of multiple use management, ^{we} We must consider the other valid uses in the area. At the present time there is a timber sale under contract for a harvest of 84 million feet of timber between approximately this point on the map and the county line up in this area here, in this general area. E

GRANT: What is the timber involved there, pine or what?

BALL: A timber stand is a mixed conifer. Actually there is some very high quality sugar pine, Jeffrey pine, old growth decadent red and white fir, and incense cedar. It is a truly mixed conifer stand of the Southern Sierra Nevada Range. The timber, again, is a stand that is over-mature. We are having considerable trouble at the present time with trees being blown over, with breakage, trees that should come down and make way for a more vigorous stand of timber. In this area, we have set aside the areas where recreation should have the primary interest, and within those areas the only trees that will be taken out are those which are a hazard to the users of the public lands. We do have to remove those trees from campground areas, from the user areas, that are a hazard where people can be maimed or killed in using the area of the National Forest. We do have those problems from time to time of trees breaking while people are in the campground. We have accidents occasionally, even with all the care we try to take in removing those trees that are a hazard to this using public. But within this area, recreation has, where recreation developments are planned, the primary place. In other areas we are logging and those areas again will improve the game habitat as we log and open up the stand, the production of deer almost invariably goes up. It will improve the stand by opening the area to other plants, and those other areas again will be planted where necessary to get they young, vigorous stand of timber coming back on the area.

Now, it is not contended that the whole area will be cut over,

and neither is it intended to make large, clearcut lots, but there will be some debris left on the ground. It is inescapable in moving into an old growth stand. But we feel that it is a very productive procedure to develop this area and get it in a condition so that the people can use it safely and add to the local economy.

On the area directly to the south of the western divide, across the Kern River, we have a small area, Breckenridge Mountain, and on this area we have shown the individual sites that are planned for development. ~~This area is primarily --~~ / its primary recreation use would be for camping, summer homes for hunting. It provides -- some of this Breckenridge area provides very good quail hunting and deer hunting. That area has a potential of five campgrounds that would care for approximately 2,000 people and a recreation residence area, where summer homes presently are established and where some additional summer homes may be provided for in the future.

Payute Mountain, a small area surrounded by desert --

KILPATRICK: Summer homes -- on what basis will they be made available for use?

BALL: Summer homes _____ are made available on a special use permit, either a term permit or a terminable permit, depending upon the conditions of the area, but the areas are surveyed, ~~taxes~~ laid out in tracts, and when those sites are available, public notice is made, is put out so that the information is available so that anyone desiring may apply. If there are more applications than we have lots, then there is a drawing. But those are then put out under a special use permit with an annual fee for the use of the land. The land remains in the ownership of the Federal Government.

This area directly to the east of Breckenridge Mountain, Payute Mountain, is a high mountain, with a potential for again seven campgrounds, two organization sites, and a winter sports area. I believe it will be

some time before this winter sports area is developed, but there is a possibility right almost in the center of Payute Mountain for a winter sports development.

Scodie (?) Mountain, again directly to the east and south of Walker Pass, can make its greatest contribution to the recreation potential for hunting in the area, mostly chuckers and valley and mountain quail. There are many deer on the top, there are many deer that stay right up around on the top of this area, and the area at the present time is lightly hunted. If you are ambitious and wanted to cover some rugged country to get your buck, I think it is possible up there. But it is rugged country to work, but there are a lot of deer on the mountain.

To come to the areas of heavier use where we get constant turnover of the recreationists -- much of it one day use -- people coming out for picnic, going back to town, going back to the valley -- I wish to cover the Lower Kern Canyon, this area from the mouth of the canyon up to the vicinity of Botfish (?). That area, while it is steep and rocky, does have a potential for campground and picnic use. That area I would like to put a few figures, as we get into this area closer to the Kern River Valley, I would like to put some figures on sheets and have you visualize. The Lower Kern has potential primarily for a picnic use, and for those of you that have seen, you will recognize that there are not too many opportunities, but as the projected Highway 178 is brought into the picture, we have potential on the river, along the river, on the opposite side from where the road is at the present time. The road presently goes up the south side of the river, and as the Highway 178 is developed on the new projected location, it will open up opportunities of development on the north side of the river, along this area, primarily up in this general area here and some in the lower canyon. That has the potential for eight campgrounds -- not much. But we don't feel that camping should be too important there, because there are

other areas farther up. Those eight campgrounds will take care of 800 people. 19 picnic areas and 6 swimming beaches -- those 19 picnic areas can take care of 1600 people. That is only a drop in the bucket, but when you consider ^{that} the elevation there ranges in the area between 700 feet and 2000 feet, it is quite hot, it still gets a lot of use from people wanting to go out there in the evening, have a picnic, and come back home. And we feel that this area should be developed for that use.

In the Upper Kern, this area between Kernville and the bridge across the river to Johnsondale, we now have 140,000 use-per-day use. This is 140,000 people one day or combination of people making up the days of use approximately 140,000 man, woman and children days use per year. Again, the west side of the river offers potential for future development. There is still some area on the east side that can be along the present road. But this adds the potential for 19 campgrounds. We feel the campgrounds should have a more important place in the Upper Kern, for that adds a potential for 19 campgrounds, 9 picnic areas, and 7 swimming areas. Campgrounds take care of 3250 people; the picnic areas, 1740. This area at the present time is receiving very heavy use. I have my motion picture that I will show in a few minutes, showing some of that use on the Kern River. In order to give you an idea of the potential for development of this area which is immediately adjacent to the Kern River Valley by an access road from this side coming into here, by an access road from the east side that presently comes in to Troy (?) Meadows. I would like to show you a movie briefly covering that area and the potential uses that we can make of that area in the future.

If I could have your indulgence, I will move the screen back against B4 the wall. This picture will show some of the uses on the Kern plateau and give us an opportunity to see the area. It lacks something in having it dark enough, but I feel that this is the best we can do under the circumstances.

To orient you to the location, we show the map of California with the National Forest running down the Sierra backbone with the Kern plateau area at the extreme southern end of the Sierra-Nevada Range. It is an area of meadows, timber, rocks, sagebrush; it is a ~~very~~ varied area of altitudes ranging from around 3,000 feet up to well over 12,000 feet.

These are various shots. This is over near the east side, the northeast end of the plateau. This is the rock country, the dome lands, grass formation of the southeast corner of the plateau. You will note that there is quite an area. This is the Los Angeles Freeway. Teeming millions of people, literally, seeking a place to enjoy themselves, get away. This is Highway 99, where they may proceed to the Kern plateau area. This is the Kern River Canyon, where you enter the National Forest above Kernville. This area provides fishing, camping -- granted that the campgrounds may be crowded, people have to hunt for a place to camp along the river in the Upper Kern Canyon at the present time. These people are crowded in, camping where actually there are no facilities. Here you see trailers going beyond the last campground in the canyon, the farthest one up the Limestone Cliff Campground, ~~in the~~ canyon, people still looking for places where they can camp and enjoy themselves. These people need an area where they can expand to, where they can get out and find a little privacy in a day's to two days' time, as they come up from Southern California from Bakersfield and the San Joaquin Valley. This is the Upper Canyon, below the bridge to Johnsondale. Limestone Cliff Campground, at the upper end of the canyon. Here we have a group of Girl Scouts or Camp Fire Girls, camping in the canyon. Again, the _____. This area here has no camps at all. This is Brush Creek Flats, it is just a place where they can get off and park and try to find some place to enjoy themselves.

In trying to develop and plan the Kern plateau, plans have been

made over a period of years. Planning was started back as far as 1946, even earlier, considerable consideration was given to us. Here you are looking across the Kern River into the plateau, the high escarpment rising several thousand feet from the canyon floor at the river. This is one of two roads presently leading into the Kern plateau. This comes in from the west side up to this area here in the Poison (?) Meadow. It is one of the small meadows 15 miles up from the start of the road in the Kern Canyon. Wild turkey were introduced into the plateau by the California Department of Fish and Game back in the late forties, and they have become established as a bird which provides a thrill for those people that can find them in the area. _____ Meadow Campgrounds was the first campground that was developed for use after the road was constructed. Here you see the workmen getting the campgrounds ready for use. Rather primitive facilities -- the table and the stove -- the parking area. This is in the black coal type ? country up on the plateau.

Water has been developed at the three campgrounds that have been developed on the plateau. Many of these pictures were taken while construction ~~was~~ was under way in these areas. People were using the areas even before we had hardly got the tables set out. This is a Boy Scout troupe camping in the mountains. This area around Salmon Creek -- this is a girl fishing in ~~the~~ Salmon Creek, a small stream, but it has provided quite a bit of fishing _____.

Television was one of the many uses of the National Forest. These, as well as deer, use the meadows. This is Big Meadow. You can see it that is quite an area for development of additional campgrounds in this area. Part of Big Meadow is privately owned.

This is a road going into Troy Meadows on the east side on the plateau, coming in from Highway 6. This is the area before our campgrounds were developed. Here again is the construction program necessary to make

the area adequately usable for the public.

Water systems are developed at each of these campgrounds. In this area it was necessary to put in a well because there were no springs high enough above the area to provide a gravity water system.

As I mentioned previously, recreationists were in the campground before we had hardly gotten started on construction and were using it even while construction was progressing.

On the plateau there ~~was~~^{is} a total of 196,000 acres of commercial timber of which approximately 157,000 is under the management for timber production, with the exception that certain areas/^{with}in that amount, recreation has the highest priority.

This road construction provides access into the area for the using public, for campers, to allow management of the area for game, for timber harvest, for the various uses to which the land can be put. This area has been cut over; this is the area in the vicinity of Horse Meadow Campground. It has ~~also~~ also been logged. The trees are taken out, and as you can see here in the pine stand we are losing many trees to bark beetles and to disease. By actual proofs, we have made two studies and we have been losing up to 30 million board feet a year to insects. Here is a tree that has been killed by bark beetles. It is still in condition that the lumber can be used and put to beneficial use. The beetles -- there you see a beetle going across the bark on the inside. Those tunnels on the inside of the bark are made by the older beetles and also by the brood (?) as they tunnel through and girdle the tree, and actually kill the tree by cutting those tunnels in the cambium layer of the bark. Individual trees to be taken out are marked. Those trees that will serve to build up insect pests. Trees such as you see here serve as an incubator for beetles when ~~you~~^{we} go into a dry cycle such as we have had in the last three years, when insects reach epidemic proportions. Here you see fir trees killed by insects _____.

Timber sales provide a means for taking out these trees that will serve as incubators for the beetles and also provide lumber for the uses in the valley and in the south. As you will note, the trees are dropped in openings to protect the residual stands.

Here is a tree typical of the type of pine tree that is marked for cutting. You will note the dead branches in the top. This tree has not long to live even if it had not been cut.

This area again has been logged. The residual stand that you see in the background are trees that have a good life expectancy. Along roadsides, around meadows and campground areas, the slash is run through a chipper and the material put back on the soil to build the soil and provide a mulch.

Here we have a load of logs from these over-mature trees going into the sawmill from the Kern plateau. This area has been logged. You will note the more vigorous trees that were left will provide seed for new trees and to provide a cover on the land.

Meadows in the plateau provide forage for many cattle. Approximately 4,000 head of cattle gain their summer feed on the 580,000 acres of the plateau. They are permitted under a permit from the Forest Service and the numbers are restricted so that meadows such as this can be protected and produce at their maximum. These cattle are just coming on to the range. They are being brought in in large herds.

Mining again is another of the multiple uses that are permitted within the National Forests. On the Kern plateau there are commercial deposits of barite, and from time to time tungsten becomes of sufficient value to produce a commercial venture. Here, you are looking into an area that is lodeless, ~~THESE ARE THE~~ the dome lands ~~is~~ which ~~are~~ proposed for its classification as a wild area. T

This map of the plateau shows the proposed dome land area in the southeast corner of the plateau. This is an area of granite domes,

spires, cliffs, rocks, some commercial timber, some part vegetation, the meadow in the dome land area.

Here we have a commercial pack station on the west side of the plateau. From this point at Burton Camp, people can go into the more inaccessible areas by saddle and take their supplies on pack stock.

California mule deer are common on the the plateau and serve to provide excellent sport in fall months. Here a hunter has his bucks

Within the plateau on the north end in the Inyo National Forest is another area which is being considered or being studied for classification. This area at the extreme north end of the plateau has not yet been advertised but is being considered for that type of use. Here we have a family hiking in from the sagebrush pinon area into the higher plateau area. Snow plant at the high elevation.

Helicopters serve as a means for getting around some of the area and the next few shots will show scenes as taken from a helicopter in the north end of the plateau.

This area is a land of lakes, (These are ~~Shus~~ _____ Lakes) of timber, of meadows, we have many varieties of climate and geographic formation. Here is Casa _____ Meadow, the Casa _____ Ranger Station, in the area just north of the Sequoia boundary in the Inyo National Forest. It has been necessary in this area to put check dams in the stream, within the meadows to impose free flow conditions which ~~improves~~ improves fishing tremendously. I assure you that many nice fish have been taken out of this meadow by visitors.

Here we have a fireman loading fire tools ~~at~~ at Casavaya (?) to go into the more inaccessible country of the high plateau. Wildlife is plentiful. These deer are in the Casavaya Meadows. Some of the volcanic formation in the vicinity of _____. Here we have a fisherman going into the golden trout area where fishing is fabulous.

The golden trout area, we feel should be protected since it is the home of the State fish of California. _____ have developed in the north end of the plateau. Those are gold ones.

Here we have a family hiking into the back country. Junior seems to be enjoying himself, riding double. Even the dog has a good time. This area of high spires, immense crags, meadows, timber, is a land of many uses.

When I bring my map back, I will discuss that very briefly, covering the area. This area that you have been looking at in the pictures is the area between the Main Kern and generally the South Fork of the Kern, up to this point, then we switch over to the Sierra Crest and take in this area on the Inyo National Forest, a total of approximately 580,000 acres. This area has been studied for management for many years. In 1953, a task force of experts in the field of soils, mining, recreation and land classification, watershed management, grazing and wildlife went into this area to make an inventory or to consider the area for the type of management that it should receive. Many of their recommendations are at present being put into practice. Since that time we have had many experts, many sessions both inside and out of the Forest Service, who have furnished us with information on how the area should be managed. We have considered all of the information that has been made available to us, and while we cannot agree with all the experts, because there is much conflicting testimony on how the area should be managed, we have considered all of the information that has been made available to us and have built out program on the development of the area to the best of our ability.

Through this study for the common good of the management of the area and for the common good of all the people, we have developed a series of plans through inventory study and conference. As I mentioned previously, in 1953 we developed a sub-regional plan covering the ~~xxx~~

forests with similar topographic, geologic and cover types, and within the framework of that plan a multiple use management plan, which I would like to have the committee consider at their leisure, was developed. This plan, a multiple use management plan for the Kern plateau, coordinates the various uses that can be developed, that can be used on the plateau area. This plan is a directive to the ranger, to the supervisor as to how development shall proceed on the area as a whole. Then within the framework of that plan and the sub-regional plan, an inventory of the recreational possibilities was made. This recreation plan lists a total of 144 sites suitable for recreation development. Now it is not planned that all of those sites would be developed within the next ten years or even the next twenty years, but only as access became available and as the use was necessary as use dictated the development of these areas.

This plan was started in -- the inventory was started six or seven years ago and was finally finalized in this form in 1959. For the benefit of the members of the committee there are maps in the back, and I will at this time give the committee members the copies of these maps from the back of the plan.

Of course, as we go through the program of development, we must consider other uses than recreation, and we have a timber management plan. All of these plans I will make available to the committee for their study at their leisure. But this timber management plan was the result of a complete inventory of the plateau area, and it is coordinated with this plan and with the multiple use management plan that I mentioned previously. The acceptance of this plan was made by the present Chief of the Forest Service, Edward Cliff in 1959, and I would like briefly to read some of the directives that are within the plan to indicate how timber management is tied in with the other uses on the plateau.

Speaking of recreation, it is stated, "Recreation on primary development areas are the areas in which development may be expected in ten

years or less after access is provided." On these areas marking will be modified to accomplish the recreation directives ~~in~~ objectives as stated in the Forest Service handbook. In this instance, dying trees are defined as those with evidence of rapid, progressive _____. Special care will be taken to reduce the physical effects of logging, _____ of most stumps, removal of unutilized of logs and tops, complete slash disposal, and obliteration of skid trails or landings. Seeding or planting should be programmed where appropriate.

Recreation supplementary development areas are those areas which will ultimately be considered for recreational development, but not within an anticipated period of ten years after access is provided. Initial timber harvesting on these lands will be the same as primary development areas. On these areas stumps will be cut low. Skid trails and landings will be obliterated. Now, these are in the recreation areas.

Speaking of the ^{side ?} stream site zone, within this zone, salvage, high risk, and human hazard trees will be marked, if they can be felled, to clear the stream bed. Skidding across or parallel to streams will be avoided. Diversion of streams due to temporary road or skid road construction will be removed. The stream will be restored to its natural state as soon as possible.

Speaking of meadow areas, protective strips around permanent meadows will be provided. Slash will be disposed of by chipping. Trees that cannot be kept from falling into the meadow will be left standing, and any tree that inadvertently falls into the meadow will be completely limbed and removed by end hauling.

Speaking of wildlife, the adjacent non-commercial and non-timber _____ for the working circle in the Kern Canyons are the wintering spots for the deer population. Studies being conducted by the California Department of Fish and Game to determine deer migrations in the area will enable the determination of the needs to balance winter and summer range.

At present there is a heavy summer/^{deer}population of all of the high country. Logging will not adversely affect the summer range for deer. It will provide access areas for wildlife habitat improvement.

In stream side zones, a highly restricted form of timber cutting along year around streams is defined under the recreation section, will not disturb the delicate vegetative balance in existence. Only those trees that are a hazard to the using public are the type that will be taken out.

An erosion hazard rating will be determined for each sale area as part of the appraisal, and an erosion prevention and control plan will be prepared in accordance with the Region 5 Timber Management Handbook. Logging will not be done where satisfactory erosion control following logging is impractical.

Temporary roads and skid trails will be put to bed after use, by removing fills and bridges and temporary stream crossings and by constructing an adequate number of _____ and dips to ^{divert} ~~return~~ water from the disturbed soil.

Those are some of the correlative material that is put in to assure that all of the multiple use aspects are protected. As I mentioned, while they have the picture on, approximately 195,000 acres of the 680,000 acres is covered with commercial timber. Of that, 38,000 acres are being considered for classification under wild and wilderness classification, and another 16,000 acres primarily for recreation on which recreation will have primary consideration.

In this program there will still be plenty of snags for the woodpeckers to nest in, I am sure. Briefly, our recreation development program, as we foresee it for this are -- 8 major centers for development. Here at Taylor Meadow, Big Meadow, _____, Kennedy Meadows on the east side, the Beach Meadow Center on the east side, Swift Meadow, and on the Inyo Forest, ~~San~~ Casavaya and the ^{MONACHE} ~~Monache~~ Center. Those areas,

together with the campgrounds, orientation sites, and other forms of recreational use within this -- within the individual recreation units -- will provide under optimum conditions of development for approximately 55,000 visitor days, ^{that} ~~that~~ is 55,000 visitors per day. _____.

Some use it. This is the optimum development in the foreseeable future, if all the recreation area is developed, it might run as high as five times the 55,000 individual ^{day's} ~~daily~~ use. We don't anticipate that type of use in the very near future, but heavy use is coming.

For the Kern River Valley, the areas that have the most interest in my opinion are these areas that are tributary to the Cherry Hill Road, or the road that comes out of the canyon near the bridge, across the river, comes down to Brush Creek Flat and runs in a generally southeasterly direction down towards Pay Creek. Of these areas, which are tributary to the canyon end, will relieve some of the pressure in the Upper Kern Canyon. We have Taylor Meadow on the center around here, should provide for a total of 2650 visitors at one time, three additional campgrounds through the area to provide for 1330, or roughly 4,000 visitors can be taken care of in this area, in inventory recreation areas. At Big Meadow, the possibilities are a little higher. This area out in here' the center, and by the way these centers would provide for -- generally for commercial development of some sort to take care of the needs of the using public, but Big Meadow, the center would provide for 2650 people, five campgrounds, for a total of 3450 people, two organization sites which would care for 780, for a total of 6900 at the Big Meadow Center.

Trout Creek, which is directly to the north, could provide for 3000 visitors in the center; this area, we feel has a high potential for recreation development. Fourteen campgrounds that are listed in the recreation plan, and three organization sites, totalling recreation potential in here, not including winter sports, of 14,500~~g~~, it could use this area -- that is, that area has a potential ^{for} recreation development

for approximately 14,000 people. For taking this area here, which has the highest recreation potential on the plateau, those three areas tributary to the Kern River Valley take care of 25,000 people. This area, this area, and this area.

As I mentioned previously, I was asked by the three chambers of commerce, the Kernville Chamber of Commerce, the _____ Heights Chamber of Commerce, and the Isabella Chamber of Commerce, to survey the area for the possibility of winter sports development. Two men went into the area by helicopter within the last two weeks, and one of the ^{that} areas/showed a great deal of promise is in this same area that has a high potential for summer recreation development. In the _____ I will show you a few slides of that area so that you can get an idea of the possibilities. Briefly, though, this is the area which we feel ^{for} has the highest potential/recreational development.

Before we show the _____ summer use in the -- around the _____ Campground -- I was up there one day when this boy was speaking at the campground, I just took a shot. That is the summer use adjacent to where the winter use is projected. This is near the head of Cow Creek, the skiable area in this area that the experts believe is good, runs from this area here at this peak, and by the way, we have no particular name for that peak -- but this is very good skiable terrain clear down through this draw over this hill here and down into this meadow on up -- this whole area offers possibility for winter sports development.

This is another shot of the same area, just showing the slopes, the shadows make it hard to tell, but the snow course at Mosquito Meadow is within this vicinity has indicated sufficient snow over a period of years, that this area could be developed for a lot of winter sports use. Another shot of the same general area showing the peaks. Again, this area here is down near the bottom, but you are looking up into the

skiable terrain.

This is down near Trout Creek areas, several open meadows/^{on} which run out can be arranged in that area.

Within the programs for development of these areas there is one class of use which I have not emphasized up to the present time, but I did want to speak of the so-called classified areas, the proposed classified areas for _____ classification. Again, if I may turn the map around, and I am turning it once more, and that will be the last time. _____, but you saw in that picture developed up in this general area here in what is now called Golden Trout Creek. At one time it was ~~known~~ known as Volcanor Creek because ^{there} is evidence of considerable volcanic activity in this area. But you have a unique ^{area} ~~part~~ where the stream [?] found is golden in color from iron deposits, the water is very clear, and you have a stream channel -- all the streams/^{with} in this general area are golden in color and the fish have developed in that area. We have it on quite reliable information that the fish were transplanted, golden trout, were transplanted from Golden Trout Creek over into Smoky Creek in the seventies, and were later transported from Smoky Creek over into the _____ Lakes area, and it was from this area that the species of ^{were} fish/^{first} described in scientific literature. Also, in the eighties, a tunnel was constructed between Golden Trout Creek at the point now known as the tunnel, but a tunnel was constructed from Golden Trout Creek over to the South Fork of the Kern River, and the waters of the two streams were intermingled. From this ^{through} area golden trout had been transplanted ~~in~~ most of the Southern Sierra areas, probably eleven counties up and down the Sierra chain, and it is a very common fish, is in many of our high lakes and streams running in -- also they were planted over into this part of the Forest over on to _____ Creek, where _____, planted in there and they are quite common in some of

these higher streams running into the Kern. They also occur in Upper Trout Creek in this area right in here, _____, and there are indications they have been planted in several other streams through this general area of the plateau. They are a beautiful fish, but we feel that the area where the golden trout ~~abundant~~ are found should be protected in a classified area. That area is presently being studied for classification though it has not been advertised.

The Board of Supervisors recently approved a transfer of land, that is, land from private ownership, which was taken out of private ownership in exchange procedure, lands in Tulare County were taken off the tax rolls in exchange for land in Mono County so that this land up here ^{are} on Golden Trout Creek would be in public ownership. 520 acres/in the process of being acquired at the present time in exchange for lands at Mammoth Lakes.

More specifically I would like to talk about the Domelands. That is what the announcement said, Mr. Chairman, but I think with your full knowledge and request cover the whole area. The proposed Domelands Wild Area is an area of 62,500 acres, lying in the southeast corner of the plateau. It is an area of granite domes, of rock formations, some timberlands, some meadows, but primarily it is a unique geological feature of which I don't know any like it within the State. The proposed area is bounded on the north by concrete through here, the area immediately north at the east side is primarily pinon, juniper, sagebrush country out to here. If you come farther up you enter the Boone Pasture Burn, which was a large fire that occurred in the late forties. As you come farther up you come into a very good stand of timber, a highly scenic area, but not of the unique nature of this proposed Domelands area. The Domelands has some wildlife, but that is not the feature that we feel justified as classification. There are wild turkeys, there are chucker partridge, there are valley and mountain quails, there are deer and even a few

rattlesnakes, in fact, some people tell me there are a lot of rattlesnakes. But that area has a potential for enjoyment that I feel is unsurpassed from the standpoint of primitive type of recreation, where people can go in on foot or horseback to enjoy themselves. Just briefly, a few pictures to give you an idea of the Domelands, and we will cover that area so that others can proceed.

That preceding picture showed the snow at the -- on Trout Creek and the hill rising from the area, showing a broad plan of the area. This is just a sunrise on the plateau, four o'clock in the morning, near the proposed Domelands area. This is Big Meadow which is west of the proposed Domelands, the boundary of the area runs along the ridge that you see in the background. _____ Peak is the highest point, and there is a road that comes in at the present time into the extreme left of the picture.

Looking south into the Domelands from Bald Mountain you see the granite crags that stand out as typical of the area as proposed for classification. ^{Trout} ~~RM~~ Creek, the northern boundary, runs down through at the base of those granite crags. Looking again, still to the south from north of Trout Creek in the Boone Pasture Burn, you have typical formation of the proposed Domeland area. Similar shots, a little closer up, the boundary right at the base of this granite formation. ~~XX~~ Again, looking south from out of the area, looking south from the north and out of the pinon forest lands. Typical shot in the north end of the proposed Domeland area. Still, farther down towards Rockhouse Basin, farther down Trout Creek, still from north of the area, looking to the south. This is in the Tibbetts Creek drainage, typical of some of the formations as you work south into the Domelands. This is a rather unique formation, it is hard to see in this light, but it is goblet shaped, it is a goblet shaped boulder about probably fifteen to twenty feet high with a very narrow stem at the bottom. How it developed

that way I don't know.

Rocky Bluffs, _____ Meadow, we call them the Smiling Irishman, you might even put figures such as they have at Mount Rushmore on except that the _____ is on ~~the xxxxxxxxxxxx~~ proposed classification/to keep them in their present condition.

Typical of the flowers -- and these are quite common within the proposed Domeland area. Another typical formation. This is _____ Meadow. Much of it privately owned, but we hope to acquire this area through exchange procedure. This is within the proposed Domeland area. There is in this basin quite a volume of commercial timber which would be protected in its present state. Within the area there is 146 million board feet of commercial operable timber and considerably more area of non-operable commercial species.

This is on the south end of the plateau of the Domelands area, looking at White Dome. The distance in elevation from the top of White Dome down into the South Fork of the Kern is several thousand feet, and to ~~maxx~~ the best of my knowledge, you can't ride a horse from the point where the picture was taken down into the river. It is just too rough. They tell me that the fishing down in this part of the South Fork of the Kern is fabulous if you can get in there, but it takes a lot of work to work your way down into that area and take advantage of the fishing opportunities. This area is again -- may I say, is unique for the State.

This is a close relative of the yucca. The only place that I know of where it grows on the forest in this area is in the southeast corner of the Kern plateau. The scientific name for it is ^{guayulina} ~~guayulina~~ ferial (?) as I say that is/a close relative of the yucca, but not one of the yuccas. There is another shot of that plant, which I feel deserves recognition within a classified area. Just a general view from the south, looking up into the Domelands area. Another pile of granite. These are Church Domes and would form the south boundary on our proposed development of the

area. Another shot of Church Domes.

This is looking north from the _____ Meadow area into the Church Domes. Those are the domes that you see in the background where we feel that the boundary should be established for this area.

Snow plant, ~~whitex~~ quite common on the plateau. This is a shot of the sunset from _____. It is our belief that in the setting aside of the Domeland area, that this will provide opportunity for people to get into the area for solitude. We believe that development of a few trails, one through the center, another north-south trail, another trail here, and on into the canyon, that people will be able to enjoy this area and not _____. We feel that these areas here will serve as centers for people to camp, come in and camp among their fellows and if they desire to go from there into the Domelands, it is not too far to walk or to ride and spend whatever time they desire within this area which is proposed for _____ classification. This _____ area that I mentioned ~~j~~ will also serve as a center from which the users would fan out, they would have to get in there either by foot or horse, and then they could fan from that area out to this rugged area of a very unique geological formation.

Gentlemen, I thank you for the privilege of presenting this material to you, explaining our program for development in the recreation possibilities of the Kern plateau and the surrounding areas. Thank you.

CHAIRMAN CASEY: ~~HE~~ ELDON, I just wanted to say that on behalf of the committee I would like to thank you for a most comprehensive and lucid presentation of the U.S. Forest Service position here and plans.

BALL: Thank you, Mr. Chairman. I appreciated having the opportunity.

CHAIRMAN CASEY: Ladies and gentlemen, we are going to take a five minute recess, just to give a few of the members a chance to relax their minds for a few minutes before we get back and continue the testimony on this particular area.

CHAIRMAN CASEY: Ladies and gentlemen, I see we have our Kern County State Senator in the audience, and I would like to invite him to sit with the committee -- Senator Stierne. Our next witness is Mr. Roland Curran. Mr. Curran, would you come forward and identify yourself for the record.

ROLAND CURRAN: Mr. Chairman and members of the committee. My name is Roland Curran. I am a native of Bakersfield, and by occupation a general contractor and subdivider. Before presenting my statement on the Kern Plateau, I should first like to express to you distinguished gentlemen my sincere appreciation for your interest in taking the time to hold this hearing on the problems now confronting the preservation of the Kern Plateau, (etc. See Statement)

CHAIRMAN CASEY: Do we have any questions of this witness from members of the committee.

WILLIAMSON: ^{Roland,} /Given the money, say that there was adequate money to develop this area according to the plans that were outlined by Mr. Ball this morning. Would you say that there is enough water, for example, there to provide adequate camping facilities for 50 or 55,000 people that you anticipate might use it?

CURRAN: By no stretch of the imagination, no.

WILLIAMSON: Have there been years ^{with} /in your knowledge, where much of this area has been entirely without a water supply, for instance, the last year?

CURRAN: The last three years _____. On last year many streams and springs, they have never been known to go dry before, were completely dry. The others were down so low that the fishing was negligible and about gone in most of them. The area looks pretty much the same, it survived these years before, but it certainly isn't a recreation area under these conditions and never will be for mass

recreation. It just isn't there. Kern Plateau is an old forest. It is a remnant of what was there during the ice ages, and why it survived down through all of these years, I don't know and neither does anybody else. But when you can look a mile down a ridge through the growth of trees, great pines five and six, seven, eight feet through, and firs, no young stuff, clear under that trees four, five to the acre, a few young ones scattered around, some places 25 or 30. It is not a timber country. You cut that timber, it is like what has happened to a ~~xxxxxxx~~ lot of our other mountains bordering the desert. As soon as you cut the timber, they go back to brush. It is a -- you build roads in there, people follow the road, of course, to get up in there. When the trees are gone, they are gone. When the water is gone -- where there are too many in the camps, they are going. They have no provision for making adequate camps or facilities there. They tell you that is not so. All you need to do is take a trip through there. Can't support it.

WILLIAMSON: Even given adequate money, and without regard ~~for~~ to logging practices or anything like this, you do not feel that there natural facilities or the natural resources there by way of water to provide for a large scale recreation, as described this morning.

CURRAN: It would be a colossal failure.

STIERNE: I would like to ask Mr. Curran just for the record, as a matter of record, would you ~~also~~ elaborate a little bit on the difficulty of access roads. I know you touched on that in your paper, but could you tell the committee some of the problems to your knowledge that people have if they want to go in there hunting and fishing, the chained gates, the locked gates, and some of this type/^{of}thing.

CURRAN: Senator, for many years, the only access was to go from where the Brush Creek enters the Kern River. You had to pack in, walk in, or go up the stream in order to fish. There were other trails at

Prepared Statement of CURRAN

at _____ End, but there were no motoring access. Then, when they started in doing some tungsten mining up in the area on the ridges, ^{roads} jeep ~~tracks~~ were built in, passable with pickups in lots of places. They would get back up -- quite a ways up to what they call the Meadows,-- where two streams ~~come~~ come in there -- Horse Meadows, I believe it is. The packers then made their headquarters there, ^{with their} ~~they had~~ pack animals in stock, and you could drive up there in your cars ^{or} your pickups and pack in from there back up on to the plateau. It's about a five hour ride to get back up, as against eight or nine hour ride from down next to the Kern River where it had been.

When the Forest Service rushed through this contract with the Mt. Whitney Lumber Company and they started in to build the roads in there -- they built the road, an excellent road, and they built it on a fine grade to get in, to get up and go around, with the intent evidently to cut around the edge of the plateau, and with access roads up in and through the plateau and bring it out for a mill that was _____ and on the southern end. The road was a good road and was kept open and in good shape for the lumbering trucks. The minute that the lumbering shut down the road was padlocked, so that you have no access to it by car. You only had access to it again by horseback. Their talk of a multiple uses for the area have been a fallacy all the way through. The access -- you go up there from the flats this side of the Johnsondale Bridge, and on top of the first _____ ridge there is this locked gate. And unless you are connected with the lumber business, why you don't get through it. That's similar with the Forest Service. They have to then pack up through the river. The thing has been operated since it started strictly and solely for the benefit of the Mt. Whitney Lumber Company. They have extended this road on up, they have taken the timber out, I don't think they made any money off it. I have seen no reports on it, but certainly the public that had access to the road during the logging

season got as far as the Salmon Creek, which is one of the famous streams for all of my lifetime up there, and I have fished it many times, and that was fished out within a week. That is the limit of the resources. You get a motoring public in there, they just can't sustain it. The road is kept locked other/^{than}during the time when the logging company is operating.

STIERNE: May I ask a further question? To your knowledge have Senators Kuchel, Senators Engle or Congressman Hagen been up into this country to see first hand the situation that you describe?

CURRAN: I believe that Congressman Hagen has been up there. How far back he went, I don't know. Sometimes Congressman are a little reluctant to ride a horse too far, but I know that he went up to the end of the road. Whether or not he packed in, Mr. Walker could tell you that, but I have no knowledge of it.

STIERNE: Could you tell this committee if these men have expressed their opinion that they are in agreement with the present Forestry plan of operation of this area, or have they expressed an opinion that they favor the Wolf Report?

CURRAN: Mr. Hagen and Mr. Kuchel have both expressed to me personally their approval of the Wolf Report, but they said this Forest Service is a kind of a sacred cow there. They are difficult to challenge, they are difficult for the legislative body to get at -- legislative bodies. They are apparently pretty much a law unto themselves on what they do, and you have always the ~~the~~ threat of fire, the demand for timber, the threat of floods that are all raised up to get appropriations and funds on it. Most of people in most areas where they operate, they are very appreciative of what they do. In the lumbering country they do a good job. Timber as a crop should be harvested. But in an old forest such as this area on the plateau, it is a remnant from the glacial ages, when you see trees a hundred years old there that are no bigger around than my leg _____

because we sent people up and they took core borings of these trees. It takes a minimum of a hundred years to make any kind of mentionable timber there, but those old trees, lots of them are three, four, five hundred years old. The firs are no good at all, and there is not much of a market for the cedar. You can tell that by the price they get. The pines on the ridges are deformed in many instances. They are pretty thin and scattered out. You cut the big ones down -- what do you have left? There is no ~~Buxna~~ reproduction. You go in our northern forests or along the west side, fifty miles north of Bakersfield, and you get a lot of precipitation and you always have a thick stand of ^{young} growth going up in there, but when you come up through the forest for a half a mile in any direction, you are not crowded with young trees.

STIERNE: I would like to ask another question. You are representing a lot of people and expressing their opinion, as you stated in your paper, and you are expressing objection to the manner in which the Forestry Service is operating at the present time in this area. As you see it, and I know you are experienced with this type of thing, what do you think a committee of the California State Legislature or the California State Legislature as a whole can do to further express your organizational position on this issue which is a Federal issue? Could you _____ have in mind that this committee or other legislative committees could do to express this concern, since it doesn't really revolve around a Federal problem?

CURRAN: _____ problem that these are Federal lands and under Federal jurisdiction. However, the management of these areas is of great concern to everyone in California. We have an immense population and there is no indication that this growth is slackening off. Provision has got to be made for all types of usages, and here is a natural one for to be left as a wild area. I think a resolution from this committee of our State Legislature or from our Legislature to the Department of

Agriculture, asking that before further logging contracts are permitted that a survey be made and -- on site with the Wolf Report as a basis, with some independent agency other than the Forest Service to sit in on that. Or else a review by a competent Congressional committee who employ their own experts. Now, you must remember this, gentlemen, it is very hard to find independent timber experts. Our young people that go to college and go to school and graduate as foresters, when they come out they look for a job, the only job they can get of any consequence is with the government. The lumber companies long ago learned that the best asset they had was picking up retired men from the Forest Service and the Park Service and putting them in their employ. And those men who are their consultants or they are their active timber management advisers and heads. Now, I don't suppose that some of the younger people are lacking in ability, but they are singularly lacking in ^{the} contacts and the influence that they might be able to exert back. So it is pretty hard to find new people getting jobs with the ~~RumaxixSax~~ private lumber companies. They can go in the Forest Service and work up, or they can get minor jobs and get out in it (?). But you will find that practically all of the top bracket men, spokesmen for the lumber industry, and I ^{connected with} have been ~~ix~~ in the lumber business all my life, you will find that most of the spokesmen for these lumber companies and most of their top men in the forestry angle are ex-Forest Service officials. _____ they loved it. As a result they can't help but color the thinking of the people back in Washington that depend on it, that go in on it. You have heard me give you the words of Pat Thompson who has been the REgional Forester.-- I think a very honest man. When he was in charge of the forest, he said, "This old forest certainly should never be disturbed. The present uses are adequately used and should be maintained in this way. Very inferior lumber and nobody in his right mind would want to cut." Then a few years later he is retired from the Forest Service, he is on

a consulting status there for 44 lumber companies, he said, so my views have now changed. Now I think it ought to be cut. People are more tolerant, willing to take poor lumber, and a tree is a tree. Let's cut it down. But he is now working on the other side of the street. But he was candid enough to again admit that when he was Regional Forester, that was his belief, and he was firm in that. Now that he was the consultant for these lumber companies, he thought they ought to cut it down.

CHAIRMAN CASEY: Thank you very much. Senator, do you have any other questions? If not, thank you, Mr. Curran.

Now, ladies and gentlemen, we have a long list of witnesses, and it is going to be impossible to hear from everyone. We must be out of here at 1:30 for two reasons. One is that the city has other uses for the auditorium, and secondly, that the committee is due to take a field trip through this area that we are discussing. We want, however, to give everyone a chance to be heard. We will have a long hearing tomorrow from ten o'clock in the morning as long as we possibly can go, and so if some of you are going to be here tomorrow who have wanted to testify today, it would be of a great help to the committee. Now, if there is anyone who possibly cannot come back tomorrow, if you would please let me know, we would like to give you the opportunity to be heard.-- If you have a very short testimony. We want to confine the testimony for the rest of this -- for the next hour to the Kern Plateau. Tomorrow we will be discussing many related problems to the Kern Valley. I hope that if some of you do not get the chance to testify you will understand the reason, and we would welcome you back tomorrow. If you feel you must say something, and cannot come back tomorrow, please let me know and we will give you the opportunity. Now, for a short minute, just as an indication of the widespread interest in this particular discussion that we are having here and the interest of this area to the people of California, Assemblyman Frew has joined us from Visalia, and he has a

group of people from Tulare County that^I/would like him to introduce at this time. Myron --

ASSEMBLYMAN FREW: Thank you, Jack. Assemblyman Casey and members of the committee, I do take pleasure in introducing some of the people from Tulare County who have come here an just as I am here to try to find out what this controversy is, and the number of people here from other parts and from Kern County signifies the interest of everyone here. As I call your names I would like to have you either wave your hand or stand up so that the people here can see who is here in this interest. There is Abe Denkins of Porterville and the Sportsmen Association. Don Drey, Secretary to the Tulare County of Commerce, and Domer Power of Strathmore; Gil Swift of Tulare; Eldon Ball, of course, you have heard from already; and Walter Witt from Porterville; Allen Coates, Secretary of the Porterville Chamber of Commerce; Larry Kiml, of course, of the State Chamber of Commerce; Walter LeCass of Johnsondale, Manager of the Mt. Whitney Lumber Company; Lon Taylor, feature writer of the Fresno Bee. They claim these people from Tulare County, and it is a real pleasure for me to welcome them here, because you can be sure that my interests are your interests. Thank you very much, Jack.

CHAIRMAN CASEY: Thank you, Myron. And, gentlemen, on behalf of the committee, we appreciate your attendance here at this hearing. Now, our next witness is Mr. Ardis Walker. Ardis --

ARDIS WALKER: Chairman Casey and honorable members of the committee, and Mr. Frew, I am Ardis Walker, perhaps a member of a few-generation family of the area that is being under consideration today. The board of directors of the Kern Plateau Association wish to express unanimously their appreciation to the committee of calling this hearing on a resource problem, the solution of which surely will have far-reaching consequences on the State of California. ^{However,} On this case it shows comprehensive vision that a legislative committee take the time to inquire into the fate of

state owned resources and factors of statewide concern in the field of public welfare and economy even though the resources involved lie within an area of the State, administered by a Federal agency. / Certainly the fate of Kern County and Southern California can be affected for all time by what happens within a watershed of Kern River. The only live, major stream with the exception of the Colorado, which touches the lives and the property of the people of Southern California. The resource history of our State over the last century has been one of hasty, ill-planned exploitation. This pattern has been set, for the most part, by the few contemporaries on the scene, corrected for narrow and immediate benefits.

During the first surge of frontier exploitation, many important basic resources were viewed only as obstacles to be overcome. Initially streams were to be forded by guides of empire, then to be polluted by those who came after, first damaging fish and wildlife, then threatening human health and economy until millions are now appropriated just to hold the line on a condition which could have been avoided in the first place by an outlay of pennies and precaution.

During the Gold Rush, the soil proved a barricade to placer miners, who ~~skinned~~ sluiced away the overburden to get at their uncertain dividends of gold. Later they battered away mountainsides with their hydraulic nozzles and moved great dredges down the course of streams, leaving waste and debris in their wakes. In this case, the people of the State suddenly realized they were paying more in their basic soil resource than they were recovering gold. As a result, corrective legislation was passed to be sure that no man, just because he owned a hose or a dredge, could wreak havoc on his downstream neighbors' use of land and water or cause irreparable damage to these two basic resources of the State. At the outset, these resources were taken as much for granted as the atmosphere itself, and more recently, even this last mentioned

resource has become the subject of legislation and expensive research as the State of California attempts to halt the pollution of the very air we breathe. Evidently there is great need for comprehensive vision. Our pioneers in their search for gold never could have believed that there ever would be a limit to land and air and water. They never could have dreamed of the highly integrated ecological complex which has been unravelled by a materialistic society during the past century. Forests which could have contributed to our economy forever on a sustained yield basis have been destroyed in the throes of a quick buck economy. The streams of those forests, now blocked by slash and debris, and with their fisheries choked by siltation, can no longer offer ~~adequate~~ adequate guarantee of a sustained yield of priceless recreational resources in the form of fish and wildlife. Recreationists of our State now spend millions through our Department of Fish and Game in an effort to overcome these deficiencies by unit management of wild game, and the artificial production of expensively reared and planted trout.

Thus, the ever tightening grip of massed humanity on an ever-shrinking residue of unspoiled resources leaves no room in which to render lip service to so-called multiple use. We must orient the exploitation of any single resource with respect to its effect on the sum total of other resources within the same ecological pattern. We do not feel that adequate consideration is being rendered in this direction by the United States Forest Service, in connection with its exploitation of the Kern watershed, which lies for the most part within National Forest boundaries.

For this reason we have asked for a moratorium on further timber sales and logging road construction on the Kern Plateau until comprehensive study of the total resource potential of the area has been made by unbiased authorities and the results of such a study have been made available for public evaluation. Such studies could give answers such ~~has~~ as we have

researched over the past twenty years. These answers could be accepted by the public as coming from outside the field of controversy. In addition, such studies might help to answer the question we have put to the Forest Service over the years without avail. These include the following: Has the Forest Service developed any major project on the Kern Plateau other than to make available access facilities for logging operations? Have detailed studies been made to determine which areas of the Plateau may be logged as a major benefit which preserved for watershed recreation and other multiple uses? Is it not possible to confine logging operation to areas containing a preponderance of merchantable timber, thus conserving for posterity certain watersheds with their natural fisheries and other valuable wild features, for the importance of such features outweigh that of scattered and marginal timber stands. Could not the logging industry afford to spare the small percent of timber in these stands pending unbiased and comprehensive studies as to the ultimate affect on the major resource potentials, which are admitted to be watershed and recreation? Cannot well planned logging operations skirt areas, such areas without undue sacrifice to the operators, thus making more easily accessible much of the fragile beauty of the Plateau while protecting it from the damaging penetration of logging roads and skidways? Will not the leaving of 100% of the slash on the ground, as now practiced except on certain roadways and adjacent to camp areas, create an extremely dangerous fire hazard? And incidentally, after observing the pictures this morning, I would say those pictures would make a liar out of me, as far as what I am saying, but I have been off the roadways and away from the meadows and away from the established campgrounds. What will be the result of tearing up the Plateau's easily eroded granitic soil? Will the soil rush down to glut our streams with silt and shorten the life of \$21,000,000 Isabella Lake? What

value shall we put on our fishing streams, which will stand to be ruined by logging? From an economic standpoint, what price lumbering? What price recreation? What price watershed? If we don't research the answers to these questions before further timber sales are contemplated, can the answers have meaning? Will it then be too late. Will there be anything left to concern ourselves about?

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To summarize these questions, we respectfully ask, why can't logging be managed to give lumbering a full ~~fair~~ fair share of merchantable timber, while at the same time, guaranteeing for all time an area preserving recreational, aesthetic and watershed values and a long range recreational economy for the adjacent community. We don't want platitudes about so-called multiple use, or if and when promises about recreation. We don't want paper programs without implementation. We feel it high time some answers to the above questions were made available to the public and used as the basis of resource management on the Kern Plateau. Those of us who lived through the long history of this controversy do not expect any honest answers to the above questions to come willingly from the Forest Service. We think of the time nearly a quarter of a century ago when we opposed rather mildly the original Johnsondale Project because of our fears for the fate of the fabulous trout streams of that area and the great recreational resources to be affected. Those streams have been wrecked to the extent that they must now be planted with state reared fish, and that great recreational resource area now, with the exception of one or two isolated spots, has become a slum area of the Sierra. We remember, too, that the Forest Supervisor who promoted the Johnsondale Project, as soon as it was ready to operate, retired from the Forest

Service to become Superintendent for the Mt. Whitney Lumber Company in at Johnsondale. We also remember the promises at that time that the Johnsondale operation would be restricted to a prescribed area on a sustained ~~xx~~ yield basis, thus creating a new economy ad infinitum without further incursions into the surrounding wilderness. Then we recall after that

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we made a desperate effort to save the Plateau from the fate of the Johnsondale area. In this instance we took then Regional Forester, Pat Thompson, on a horseback survey of the Kern Plateau. As a result of that study, Mr. Thompson made the following recommendations, dated July 29, 1947:

1. The area has much to recommend it for primitive type recreation.
2. The quantity of recreation available in the area is limited.
3. As to timber operations the area appears to be marginal in every respect.
4. The timber management plan for the forest should specify that the timber in the unit will be reserved and that no logging in the area should be contemplated unless an extraordinary national emergency requires logging. And
5. Fire protection is practicable without roads. Therefore, no roads should be built into the area.

In the face of the above recommendations, Mr. Thompson appeared at a hearing ~~held~~ held in Visalia on Monday, the 13th, 1956, to order immediate harvest of the timber on the Kern Plateau. By this time, however, he had retired from the Forest Service and represented West Coast lumber interests. This indication of the relationship which predominates between Forest Service employees, as well as ex-Forest Service employees, and the

lumber interests may well explain all the acreages that are given in the statistics as having been dedicated to use as wilderness or wild areas are almost devoid of merchantable timber. It might also explain the very limited boundaries which were set by the Forest Service for the proposed domelands wild area. Essentially, the same boundaries were offered to us in July of 1955 by then Regional Forester, Clare Hendy, when we were making another horseback survey of the area. We told him at that time that he was not really giving us anything as it did not take an administrative act to make a wild area of the domelands, since that area had been made wild for all time by an act of the Creator more than a million years ago, and you have seen pictures of the domelands, and I think they speak for themselves. We pointed out to him that such boundaries would doom to destruction the native golden trout of Trout Creek, which was to be used as the northern boundary. And, incidentally, speaking of the golden trout, a report that has been filed by biologists of the Department of Fish and Game, states that there is no indication that the trout in Golden Trout Creek were ever transplanted there from some other area, and if they were, where are the native trout that were in the stream in the first place? It's all golden except down at the mouth where some German brown and rainbow have been planted, and we would like to see that watershed protected for future generations to come in a very easily accessible wild area to see some of these native creatures that the good Lord left in some of the streams. We also urge the inclusion of some primitive timber and meadowlands/^{where} ~~for~~ future generations might retreat from a population explosion to admire the unaltered craftsmanship of their Master. There were some meadow lands shown in the picture, but most of those meadow lands are privately owned, and they are creating a problem for some of the owners of the meadows when they put the high number of figure of recreationists in the immediate vicinity that they have been talking

about. I have met with some of the range riders up there and discussed some of the problems right at Big Meadows, for instance, that they are already having. Mr. Henday promised a study during the ensuing year with the idea of giving and taking with respect to new proposed boundaries suggested by such a study. However, in September of 1955, the Mt. Whitney Lumber Company was outbid by American Timber, Inc., for the upper Peppermint unit sale. Thereafter, I was informed by Sequoia Forest Supervisor, Eldon Ball, that we would have to forget the establishment of any proposed wilderness boundary, because the Mt. Whitney Lumber Company had lost their bid and the Forest Service had to get the lumber company off the hook. A report of the United States Accounting Office commented on this incident as follows:

"Representatives of the Mt. Whitney Lumber Company contacted during our review confirmed the company's need for timber following loss of the sale in the Kern West Working Circle to American Timber, Inc. They also stated that the Company owns approximately \$125,000,000 board feet of timber in the Freeman and Black Mountain grove areas. However, company logging in these areas has been deferred until roads into these areas are constructed by the Forest Service." And I might say the timber sale they lost amounted to \$45,000,000 board feet, and I might also say that they inherited it through the convenient bankruptcy of the company that outbid them. These documented facts do not give assurance that the Forest Service has any sincere intention of administering the resources of the Kern Plateau in the spirit of multiple use. Their fancy and very expensive brochures to the contrary. The boundaries proposed by for the domeland wildarea give similar indications of true intentions. If such boundaries were to be extended to include the single trout creek watershed, it would be their first step toward protecting from destruction a native fishery

on the Kern Plateau, with this one containing the fabulously beautiful golden trout, our state's official fish. But this isolated watershed contains ^{a few clumps} merchantable timber, which the Forest Service officials evidently consider too much of a price for the lumber company to pay out of publicly owned resources for such a sanctuary. We are on record, along with the California Wild Life Federation and other conservation groups, as favoring the proposed domeland wild area. We are in favor of any area that will protect any part of the resources of the Plateau from hasty and ill-planned exploitation, but we are asking for a public hearing as the means of determining the feasibility of enlarging the boundaries of this wild area. It may be hard to change the attitude of the Forest Service as expressed in their own brochure on the Kern Plateau, published in 1956, which reads:

"The domeland in the southeastern portion of the _____ Meadow District is an area of unusual granite outcrops and noncommercial forest of stunted pines. Pinons, Juniper, Yucca and other semi-desert kinds of vegetation. This part of the district is recognized as generally suited for primitive type recreation use. Even the lumber company in its own interests couldn't have picked a better place for public recreation use. I was interested in one or two little references of Mr. Ball as to the uniqueness of this area, and then when he discussed the Trout Creek watershed, it's timber up here, it's not unique. It would seem the only area that qualifies for not being unique is one that has ^{timber on it.} ~~timber on it.~~ The offering of such an area to the world as a proposed wild area should not ~~fill~~ fill the public heart with such gratitude as to lead us to forget that the Kern Plateau holds many further riches, much richer than resources, that should be held in trust until the time when they can be administered without reservation in the interest of the greatest good for the greatest

number in the long run. Thank you.

CHAIRMAN CASEY: Do you have any questions, members?

MR. WILLIAMS: Mr. Chairman, I don't have a question of Mr. Walker, but I realize you are short on time today and you have a number of witnesses scheduled. Is Mr. Ball going to be available tomorrow for questioning in regard to things that have been -----?

CHAIRMAN CASEY: Eldon, will you ----?

MR. BALL: I plan to be available tomorrow.

Fine.

CHAIRMAN CASEY: Thank you. All right, Ardis.

MR. WALKER: I won't be able to be here tomorrow, Mr. Chairman. In the interest of saving time I gave you a lot of material there that you can look over at your leisure.

CHAIRMAN CASEY: Thank you very much. Mr. Stockton, certainly.

All right, gentlemen, we will try to accommodate you. Homer, how long would you be talking? If you witness will please remember, I think Mr. Curran and Mr. Walker having given detailed presentation that represents many of your viewpoints, so if the new witnesses would not be ~~repeti~~ repetitious and merely repeat the same information that has already been presented to the committee, so, Mr. Stockton, would you----?

FRANK R. STOCKTON. Mr. Chairman and members of the committee. My name is Frank R. Stockton. I am a past member of the Board of Directors of the California State Chamber of Commerce and currently serve on the Chamber's statewide Natural Resources and Water Resources Committees. I am appearing on behalf of the Chamber to support the proposal for the creation of a domeland wild area in the Sequoia National Forest in the form described in the United States Forest Service classification announcement of November 8, 1961. We believe this proposal is a sound one and will provide an entirely adequate area for a single use wilderness SEE STATEMENT.

Mr. Chairman, we are all here trying to seek the solution of a problem to the benefit of the general public. Everybody here, I believe, is sincere in that ideal. I, too, have been around through this area quite a few number of years, I think about 1905 -- I don't remember too much about it -- was my first pack trip, not into this area, but into adjacent areas. I have been one of the fortunate ones that has been physically and financially able to go on pack trips back into the areas of the Sequoias, the areas of the Sierras, and I am very selfish. I would like to preserve that for my own use, or the exclusive use of people who can afford pack trips and are physically able to pack into them. But let's be realistic about it. I am only one of 180,000,000 in this country. Am I to deprive the person who is crippled financially unable, or lacks the time and physically unable to make pack trips back into the Sequoias, back into the areas under discussion? I'm not just about to make that decision. I don't think I have that right.

CHAIRMAN CASEY: Do we have any questions of Mr. Stockton? Now, Mr. Stockton, I assume your position was supporting the proposed plan ^{use} as presented by the U. S. Forest Service?

MR. STOCKTON: Correct.

CHAIRMAN CASEY: Fine. Now, do we have any other witnesses who would like to make that short statement that they are supporting the U. S. Forest Service? Yes, would you come forward please and identify yourself.

ALLAN COATES: My name is Allan Coates. Frank Halford was supposed to represent the Porterville Chamber of Commerce, but was unable to be here, so ^{with your} ~~with your~~ permission, Mr. Chairman and committee members, I would like to read this statement from the Porterville Chamber of Commerce. Seven years ago the Porterville Chamber of Commerce *along with*

strongly endorsed the Land Management Program, commonly known as the Multiple Use Program of the United States Forest Service, in administering the lands of our national forests. Members of our Chamber have from time to time checked the practices of the Forest Service and timber management, grazing rights, development of water resources, recreational development, etc., and ^{we} ~~they~~ have found no reason to change our position. We have consistently maintained our stand, that the multiple use program provides maximum benefits from our vast natural resources to the greatest number of people. Last December, when we heard of the Forest Service proposal to designate 62,000 ^{acres} of the Kern Plateau, known as the Dome Land Wild Area, we did considerable investigating. On January 25th, of this year, after hearing a report from our committee on the desirability of setting aside this 62,000 acres as a wild area by which all its scenic natural beauty would be preserved, the Porterville Chamber of Commerce, representing over 300 business and professional people, endorsed the proposal. Just recently we were shocked to learn that a certain group had instituted a movement to add an additional 51,000 ^{acres} to the already designated area, thus in effect creating a total of wilderness area. This, of course, would limit its use to comparatively few people and deny to the general public the benefits that should accrue from a general use program. On April 12th, the Porterville Chamber of Commerce, went on record strongly opposing the addition of the 51,000 acres. I would like to add, also, that this statement has been endorsed by the Tulare County Sportsmen's Association, consisting of eight clubs with some 10,000 members. Thank you.

CHAIRMAN CASEY: Thank you.

DOMER F. POWER: Chairman Casey and members of your committee, and others seated with you today. I will try to make this as brief as possible. I am the President of the Tulare County Chamber of Commerce.

It consists of representatives of 19 Chambers of Commerce in Tulare County, and I would like to quote just a little bit from our By-laws because I think it will justify why we are here.

VOICE: Mr. Chairman, could we have the gentleman's name?

MR. POWER: Didn't I -- I'm sorry. I am Domer Power, and I am a rancher and former Assemblyman, living at Strathmore, California, and am now President of the Tulare County Chamber of Commerce. This Chamber of Commerce -- some of its goals and aims from its By-laws is to promote the interest of the County of Tulare and ~~put~~ places tributary thereto, and for the common good of the public, which is the primary beneficiary of this organization. Now, I was asked in the interest of brevity and to help you carry on this meeting, which I can understand is tedious and always a little behind, but I was asked by the Tulare County Sportsmen's Association, which has a membership of eight clubs and 10,000 individual members, the Porterville Trail Rider's Group, and the Southern Tulare County Sportsmen's Association of Porterville, to add their resolution, which I will present a copy of to you people. I would like to read the resolution that was passed at our April 20th regular meeting:

SEE RESOLUTION.

This is signed by myself as President, and I will give your secretary a copy.

CHAIRMAN CASEY: Thank you, Mr. Powers. Mrs. McNally?

MRS. McNally: Would it be out of order to ask the gentleman one question?

CHAIRMAN CASEY: No.

MRS. McNALLY: I would like to know if he, or any of his colleagues who passed on the resolution _____ in the area.

MR. POWER: I have lived in Tulare County since 1928. I have

ridden horseback over many of the mountain trails for many years, and I don't believe that I speak from hearsay, or from imagination, or from viewing of slides. I would defend my position, and I would defend the position of the men who served on a special committee, which I appointed last winter to make a report back to our County Chamber of Commerce.

MR. STERN: Mr. Casey.

CHAIRMAN CASEY: Yes.

MR. STERN: I believe what the lady is asking is, have you been in the Kern Plateau itself.

MR. POWER: Correct, sir. That's exactly what I meant.

CHAIRMAN CASEY: Thank you, Mr. Power. Now if we could have the witnesses that are opposed to the Forest Service position. What's that, Homer.

HOMER HARRISON: Mr. Chairman, I would like to read copies of a statement to you. I'll make it short.

CHAIRMAN CASEY: Just summarize it, Homer, please.

MR. HARRISON: Mr. Chairman, and members of the committee. I am Homer Harrison, Secretary to Kern County Sportsmen's Coordinating Council of the County of Kern. To make this short and brief, our Sportsmen's Council is in favor of the Dome Lands being created, but we feel that this isn't adequate enough for what the population of California and Southern California will be demanding in a few years. In my paper from my presentation, I have a lot of pertinent information here, which I think the committee should know about, about the wild life of the Dome Land, and also the wild life in the Trout Creek area, and in the Taylor area. If the committee would turn to the back page -- it will help to shorten this affair -- there is a map. The Sportsmen's Council has gone on record as favoring the expansion of the Dome Lands to include

the upper shaded area and the lower shaded area. The Trout Creek wild area, proposed above, and the Taylor Meadow below. Due to the fact that the Chairman here and the committee is rushed for time, I ~~will~~ would like to read ^{present as is} two paragraphs out of this five-page paper, and then I will finish. I would like to refer to the paper entitled, "Logging Damage to California Trout and Salmon Streams," by Alex Calhoun, head of the inland fisheries of the Department of Fish and Game. This paper was presented at the California Wild Life Federation meeting, March 3, 1962, at San Diego. Calhoun states that logging has damaged many miles of California trout and salmon streams severely since the war. However, this -- correction --. Private loggers will take care of streams and watersheds. However, this is a rare occurrence. Calhoun states that wisdom of destroying trout and salmon streams needlessly in the process of harvesting timber can be questioned. He points out that in a recent sale in England at auction for the fishing rights, one and one-quarter mile of bank of stream on the River Lune, a trout and salmon stream, went for the sum of \$59,552. Due to the fact that we are short of time, it makes we feel quite badly to not be able to finish this paper and present my slides, but I would wish the committee here would read this information. Some of it is contrary to the information that Mr. Ball presented

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Department of Fish and Game's report on the fishery, and the reason why the sportsmen and many of the conservationists feel that the Trout Creek area and the Taylor Creek area should be expanded is to protect these fisheries, which are worth millions and millions of dollars. Thank you.

CHAIRMAN CASEY: Thank you, Mr. Harrison.

VOICE: Chairman Casey, I wonder if I might ask if a letter submitted by Mr. Cecil Phipps, President of the California Wildlife Federation, might

be read.

CHAIRMAN CASEY: All right. However, you want it read into the record? How extensive is it?

SEE LETTER.

Now, who has a three-minute -----?

J. D. FLOURNOY: Mr. Chairman, I am J. D. Flourney. I am President of the Central Council for Central California. Our Central Council at our February meeting has taken the same stand as our California Wildlife Federation has in matters. Time -- I will conclude my remarks with that.

CHAIRMAN CASEY: All right, in other words, you are supporting the position of Mr. Harrison, and those that have advocated an extension of the Dome Lands area.

MR. FLOURNOY: We have taken, no, the same as Mr. Phipps has of the California Wildlife.

CHAIRMAN CASEY: As Mr. Phipps and Mr. Stockton?

MR. FLOURNOY: That's right. Supporting the ~~President's~~ present Forest Service policy in looking into the extension of the area.

CHAIRMAN CASEY: Well, I thank you, Mr. Flourney. Now, a very short statement, Mr. Greene.

Mr. Chairman.

OSCAR GREENE: /My name is Oscar Greene, and I am President of the Lake Isabella Chamber of Commerce. I didn't realize that the Forest Service people were such scoundrels until today. There is one question that I would like to clear up, and I will have to clear that question up by asking a question of Mr. Ball, and it has to do with the Brush Creek Road. I believe the statement was made that that road was only open during the logging season, and I should like for Mr. Ball to clear that statement up, because if it is a true statement, then I have been under a misapprehension. Would you ask Mr. Ball to clear that statement up?

CHAIRMAN CASEY: Well, Mr. Ball, can you clear that up in one word? I guess you had better come up to the front, Eldon.

MR. BALL: Mr. Chairman and members of the committee. The Cherry Hill Road is closed during the period from December to the end of March when winter conditions will prevent the use of the road. That is, the damage that will be sustained to that road from use while the road is extremely wet has caused us to declare it a special service road, and it will be closed during the period of December through March, when necessary, to protect the road. At other times of the year that road has been open to the public use.

CHAIRMAN CASEY: All right, thank you.

MR. GREENE: One other statement that was made that I think that I should clear up. The fishery at Salmon Creek has not been destroyed because last year my nine year old daughter caught a limit of fish out of Salmon Creek out of the backdoor of a little cabin up there, and they are very good fish, and I'm really sorry that Mr. Kilpatrick will not be able to be with us tomorrow because we had planned to have him catch some more fish at Lake Isabella, but maybe on another time.

MR. KILPATRICK: Mr. Chairman, inform Mr. Greene that _____

_____ I won't be with you and I hope to get some more of those fish.

MR. GREENE: I will not retract my invitation, we will still see that you catch fish. The Lake Isabella Chamber of Commerce/ Board of Directors, after much study, has gone on record favoring the U. S. Forest Service proposal for the establishment of a wild area known as the Domelands.

SEE STATEMENT.

CHAIRMAN CASEY: Thank you, Mr. Green. Now, just for the record I have at a letter here from Supervisor Longley of the 5th District in Tulare County, which will be read into the record tomorrow, and Supervisor Longley is supporting the opposite position from what has just been presented. He is advocating an extension of the Dome Lands area.

MR. YOUNG: Mr. Chairman, do I have time for a few words?

CHAIRMAN CASEY: Would you identify yourself please for the record? Talk into the microphone please.

MR. YOUNG: I have lived at Johnsondale not quite since it was first started, but I first moved there in 1941, and I was gone for two years out of those that have passed since then. I left in '47 and came back in 1949 and have been there ever since. But I know there is a good many people in Johnsondale in that community that are just like myself, and they live there because they love the mountains. They want to live there. To be able to live there, we have to be employed. We are not financially able to stay in the mountains unless they were employed. To be employed, they have to have a job. They have to work for somebody. I worked in the Mr. Whitney Lumber Company in their sawmill, and all of us there, the people that worked for the lumber company, we work in the mill, or the lumberyard or in timber operations. And we are not content to live in the city and visit the mountains on the week ends. We want to live there the other way around. We will go to the city on the week ends.

CHAIRMAN CASEY: Sir, pardon me. Could you just summarize your position where you stand on this situation.

MR. YOUNG: Speaking for myself and I know a good part of the citizenry of Johnsondale, we don't feel that the area that Mr. Whitney has logged on the west side of the river is a slum area or that it's useless. Some of the gentlemen that have spoken before would lead you

that, but if you go up there you'll see that it's used a great deal for recreation. We are in favor of the 62,000 or 65,000 proposed acre area being set aside as a wilderness area, but we are not in favor of those boundaries being extended into a section where a great deal of merchantable timber is, and these gentlemen -- some of them would also lead you to believe that they would fall every tree and there would be no forest left. That's not true. When they log under the supervision of the Forest Service they fall approximately 20% of the timber -- between 20% and 25%. Take the diseased trees, and so forth.

CHAIRMAN CASEY: Yes. Well, I think that's been presented -- that testimony -- by the Forest Service.

MR. YOUNG: Speaking for myself and the people that live there and work there, we would like to see the community of Johnsondale continue. To be able to do, the lumber company must have logs.

CHAIRMAN CASEY: Thank you, sir. _____

MR. STERN: Would you say, in your opinion, that Mr. Whitney Lumber Company _____ leaves the area clean and free of slash according to their contracts?

MR. YOUNG: To the untrained eye, you could go through some of the area that's been logged ten years ago, which naturally is on the west side of the river, and to the untrained eye, you wouldn't know that it had ever been logged. Now, to a person naturally that is familiar with logging, naturally, he would see that it has been logged. It's still a forest. There is still lots of wild life. No streams have been destroyed.

MR. STERN: Well, would a person with a trained eye, would they say they reviewed the area that the lumber company had lumbered off that they had treated their slash according to accepted methods of lumbering, or are they careless at times.

MR. YOUNG: Yes. I believe they do that. And this area that I speak of, ~~if they have already logged~~ that they have already logged, the fire hazard is certainly ~~not~~ no higher, but in case of fire, the old roads -- some of them have been abandoned, but they are very easily opened again in case of fire, and it would be possible to get fire fighters in there without flying them in by helicopter, which is a slow method and very expensive.

MR. STERN: Well, in effect, then you are saying that the Mt. Whitney Lumber Company leaves the terrain as best as they can, according to accepted lumbering practices.

MR. YOUNG: Yes, they do, and the Forest Service sees that they do. I have seen a great deal of country that was logged, private logging, that was not on Forest Service land, where they felled all of the trees and they killed everything else _____ logging, where you just dug big redwood trees and large fir trees over all of the small timber and killed everything, left all the slashing, and you couldn't walk over it. They killed every living thing, and it makes you pretty proud of the way the Forest Service operates and does their logging ^{when you see something like that} when you go in and look at a strip that's been logged under Forest Service supervision.

MR. STERN: I would like to ask a second question. Would you say that the Mt. Whitney Lumber Company uses the best practices possible to prevent as much erosion as they possibly can with their lumbering operations? I realize that there are some. Would you say that they work to prevent erosion as best they possibly can. *Comply with Forest Practice Rule*

MR. YOUNG: Yes, they do. The Forest Service sees that they do. Erosion control is under the Forest Service supervision. The logging, the whole deal, is under Forest Service supervision, as far as that goes.

MR. STERN: Well, that's not my question. I'm not asking does the Forest Service police them into doing this, I'm saying, do they do this?

MR. YOUNG: Would they do it were they not logging under Forest Service supervision? Well, now, that I can't tell you.

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MR. STERN: And in your opinion they have followed good erosion procedure?

MR. YOUNG: Yes, they have.

CHAIRMAN CASEY: All right, thank you. I think, Senator, we have the manager of the Mt. Whitney Lumber Company, who will be here tomorrow morning, if you care to pursue that. Now, I think it would be of interest to the committee -- I know we have run over our time, but we have the Regional Forester here, Mr. Charles Connaughton, and I wonder if he would like to take a few minutes to -----

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CHAIRMAN CASEY: ----- to the Committee.

MR. CONNAUGHTON: Mr. Chairman, ladies and gentlemen. I don't want to impose on your time, and I will be extremely hasty, but I do want to say this to you, though. As the senior representative of the Federal Agency assigned responsibility for the management of the lands primarily in question, ^{here} today, we are pleased, indeed, that the Assembly Committee, that has a, more or less, parallel interest at the State level, will take the time to review this matter, recognizing fully that the lands are administered under the laws of the United States Congress. But just the same, the direction that we would like to follow is a direction that within national laws most nearly fits the circumstances in the local communities, as well as the state involved. And so I think it's quite appropriate. I appreciate that you will take your time to look at this,

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and, furthermore, will be hopeful that when the public hearing is called on this Dome Land area, with which you are concerning yourself, that it will be possible for the Chairman to appear and present the views of this Committee as a result of your deliberations here. Now, let me just say in relation to the whole Kern Plateau situation. This is an area of long-standing controversy, and from what you have heard today, you can readily see that there are not only two, but many points of view. It's been reviewed by a number of interests representing a great variety. It's been reviewed for decision to the top level insofar as I know can be reached. The Congress, when it delegates its responsibility for the management of these lands delegates it to the Secretary of Agriculture. In 1947, the Secretary of Agriculture decided that these lands would be managed according to the principles of multiple use, after the question was placed before him personally. In 1957, the new Secretary of Agriculture of a new administration made the same decision, and so within that framework, the Forest Service has endeavored to survey the inventory, the resource, as best we know how, with the best skills that we can get, and to compile it and compare it into a systematic analysis such as we have presented to you today. We are delighted to have the chance to present this to a group that is interested. We will welcome the change to present it to other groups that might be interested, recognizing fully that it does pose a series of questions and issues of which cannot be resolved in full. At the same time, we honestly believe that there is a good way to do it and that we have approached it systematically and certainly have established the facts, and they are available to you and to anyone else to make their own review and analysis and draw their own conclusions. Now, I think further would be imposing on you.

MR CHAIRMAN CASEY: I thank you Mr. Connaughton. Now, ladies

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and gentlemen. This meeting will be adjourned until 10 o'clock tomorrow morning.

Bakersfield - April 25, 1962

CHAIRMAN CASEY: Ladies and gentlemen, this is the Assembly Interim Committee on Natural Resources, Public Works and Planning and this is our second day of hearings concerning the recreational development of the Kern River area. We will continue with some of the testimony that was being presented yesterday but first as our first witness we have Mr. Tex Newby representing the Board of Trade. Mr. Newby will you present your testimony. Will you identify yourself for the records.

A. B. NEWBY, VICE PRESIDENT OF THE KERN COUNTY BOARD OF TRADE: Mr. Chairman and members of the Committee (INSERT STATEMENT)

CHAIRMAN CASEY: Any questions from members of the committee? Mr. Kilpatrick.

ASSEM. KILPATRICK: It seems to me I saw in the newspaper a few days ago that the Highway department is about to initiate a program of development of the highway to Isabella. Do you know about any recent move by the Highway Department?

MR. NEWBY: I cannot give you the exact status of it in the highway department at this time although I know that they have had it under consideration, and it has been before our highway committee down here the last three or four years in particular and they are considering it but we do feel that it is ~~very~~ vital to our economy and we solicit your support in keeping it toward the top of the list for construction.

ASSEM. KILPATRICK: As I understand it there would be a new highway as proposed for the opposite side of the river from the one where the highway is now.

MR. NEWBY: That is my understanding.

ASSEM. KILPATRICK: And do you have any idea of the cost of the building of that highway?

MR. NEWBY: I do not.

CHAIRMAN CASEY: Thank you, Mr. Newby. Now our next witness is Mr. Shannon.

W. C. SHANNON, DIRECTOR, DEPARTMENT OF FISH AND GAME: Mr. Chairman, members of the committee, ladies and gentlemen, I want to thank the committee for the opportunity of appearing early this morning inasmuch as have to be in Sacramento and San Francisco and I certainly appreciate the courtesy. I will make this very brief so that other witnesses can proceed.

I thought when Mr. Newby started that he was going to give my talk and I had to look very quickly to see that our statistics were the same, but they are a little bit different so I think you would be interested in some of them. As you people know and you have heard ^{continues} and will hear there has been a great influx of people into the Kern River Valley seeking various forms of recreation. To fully appreciate this we must recognize and emphasize that the Kern River Valley is a unique and special type of ^{scenic and} recreational areas readily available and accessible to the rapidly expanding population of southern California and the San Joaquin Valley on a year around basis and they will assume even greater importance and significance in the future as a source of recreation for thousands of our citizens. It would be interesting to know where these people come from. By actual check we have determined that approximately 80% come from Southern California into this area, 11% from Kern County and the other 9% from other counties. Since Isabella Lake was completed in 1954 the use has averaged about 780,000 people a year. Annual peaks during this period have been estimated at 1,200,000 use days. As of May 23, 1961 a total of 4,658,720 visitor days have been estimated by Kern County Parks and Recreation and the U.S. Army Corp of Engineers. The Department of Fish and Game has estimated that angler use on the Isabella Reservoir amount to 625,000 angler days in 1960. We have estimated use on the river principally from about three miles above Fairview downstream to the mouth at about 62,000 anglers per year. The

Forest Service estimates that the 1961 upper Kern River use from the Reservoir to Johnsondale Bridge had 53,000 recreation visits or 212,000 man days use. They estimate by the year 2,000 there may be 2,000,000 man days use. Regardless of what figure might be used, it all adds up to the tremendous use of the river, reservoir and surrounding area now and in the future. People come to this area to fish for trout in the river. The upper Kern River and tributaries include some of the best stream fishing waters to be found anywhere. The lower Kern River has trout and warm water fish. Isabella Lake is considered by some to be the third most productive warm water fishery to be found in the United States. Literally tons of warm water fish, cat fish, bass and other sun fishes are produced there each year. People also come to hunt. ^{It is} ~~They~~ ²⁵⁰ estimated that some 12,000 man days of hunting are expended for various species of game each year. There are over a hundred species of game and non-game birds and animals in this area that people come to enjoy. These same people and others come to participate in other forms of recreation, swimming, camping, water skiing, sailing, motor boating, picnicing, sight-seeing, hiking, horseback riding locally and into the back country, photography, painting, observing wild-life and just plain enjoyment of the out-of-doors. For example, this Spring thousands of people have enjoyed one of the most brilliant and riotously colorful displays of wild flowers in the Kern River Valley in many years. Another importance of the Kernville area is its proximity to the upper Kern canyon and the Kern Plateau area with further improvement of highspeed access roads into the Kern River Valley improved camp grounds and other recreational facilities, this area will serve as a sort of receiving and staging place for recreational travel to the upper Kern River Canyon and the Kern Plateau. / This kind of use is certain to further augment and intensify the recreation use and travel load annually along Kern River and surrounding areas. Such use will certainly bring its problems and it will take diligent planning and foresight to meet the demands that will be made upon our wildlife and other natural

resources in the area. The Department of Fish and Game already have several major programs under way in this area. Our Kernville hatchery plants thousands of trout annually in the Kern River. We are managing a very important warm water fishery in Lake Isabella and are currently in our second year of a program to introduce a tread thin shad, a highly promising forage fish into this lake. The Wildlife Conservation Board of which I am a member, has one of its major access programs on Lake Isabella with an investment of \$235,000 in launching ramps, parking areas and sanitary facilities. The major portion of this work was completed in 1960 with two additional concrete ramps constructed in 1961. Then of course the County of Kern has put a lot of money into development in this area too and we have worked on a very cooperative basis with the county. I mention that in this general agea there is the ~~3000x000~~ 300,000 acre Menache Walker Pass area, the largest and newest of eight major areas designed for recreational and other public uses under the Federal Government's newly stepped up national cooperative land and wildlife management area program in California. This will set these lands aside in public ownership for multiple public use and of course recreation will be one of the big features. This area was set aside at the request of the Department of Fish and Game. We are now working with the U.S. Bureau of Land Management on a cooperative plan for developing the wildlife and recreational potential of this area. These things we feel attent to our estimation of the value and importance of the Kern River area from the standpoint of fish and game and the recreational uses which are based on these wildlife resources. We are very much interested in this area and we hope that meetings like this will lead fo further and intensive development. Thank you.

CHAIRMAN CASEY: Thank you. Are there any questions?

ASSEM. KILPATRICK: Mr. Chairman Shannon, what about the _____ of Lake Isabella? What about the bottom filling up with silt, etc.?

MR. SHANNON: Well of course there will be as in all these reservoirs there is a certain amount of silt deposited and how this will affect in the

long run I am not conversant with the rate of deposition of the silt, but certainly there will be a silt deposition in there that will have some effect. Now just how much and to what extent I couldn't say.

ASSEM. KILPATRICK: Is there any noticeable problem at the present time?

MR. SHANNON: Well there could be. We haven't noticed any. We feel that at the present time the problem as far as the fisheries is concerned is at the low level of the lake in the past year or so, but now with this increased water we expect much better fishing and much better conditions.

ASSEM. KILPATRICK: Would there be any source of information as to a matter of the influx of silt?

MR. SHANNON: You mean as to its effect on the fishing?

ASSEM. KILPATRICK: Who would be qualified to answer that?

MR. SHANNON: I mean as to the effect on the fisheries?

ASSEM. KILPATRICK: No, as to the effect on the reservoir itself.

MR. SHANNON: I believe probably the Army Corps of Engineers would be more competent to answer that than we would.

CHAIRMAN CASEY: We have a representative here, Vernon, ~~that~~ who could give you that answer. We could bring him down right now to give you an answer to that. Mr. Cate.

HAROLD CATE, SUPERINTENDENT OF ISABELLA RESERVOIR: My name is Harold Cate. I am Superintendent of the Isabella Reservoir, employed by the U.S. Army Corps of Engineers. On this silt problem, I can say that there is none and we watch it very carefully. We have what we call sedimentation range lines across the reservoir, thirty some lines that we ran levels over prior to storing water and up to the present time, this is the ninth year of operation, the silt deposit runs from one-eighth of an inch to one-quarter of an inch thick which is nothing and at the present rate it would be a period of thousands of years before it becomes a problem. The answer is that we have no silt problem - a little bit in the stream bed itself but as far as affecting the in the reservoir is nothing.

ENK ASSEM. KILPATRICK: Thank you very much.

CHAIRMAN CASEY: Another question of Mr. Shannon?

ASSEM. GRANT: Mr. Shannon, what are your prospects of trout planting in the lake at a future date? Have you trout in there at the present time or have they succeeded?

MR. SHANNON: We are managing Lake Isabella primarily on a warm water fishery basis. The stream above and below we plant intensively possibly - I wouldn't say this for sure, but I would say possibly the Kern River has planted more intensively than any other single stretch of water that we have in the State. If it isn't the highest it is very close to the top and as you know the reservoir itself is a wonderful reservoir for warm water fish and we have concentrated on that particular aspect and this provides a difference - I mean for those people who like to fish for warm water they have the reservoir for warm water fish and for those people who like to fish for trout they have the streams.

ASSEM. GRANT: Then you don't expect it to be planted with trout?

MR. SHANNON: Well I am not saying that we wouldn't but we would like to manage it as a warm water fishery which it essentially is.

ASSEM. GRANT: What fish are surviving there most plentiful at the present time?

MR. SHANNON: Bass, croppie and that type of fish. One of the problems in this fishery of course is providing forage fish and that is why we are introducing the tread thin shad which has proven very successful in other similar areas which provides a source of food, improves the growth rate, etc.

ASSEM. GRANT: Thank you, Mr. Shannon.

CHAIRMAN CASEY: Walter, are we getting the maximum use of the Kern River at the present time as far as the fishing potential is concerned. I mean could the department expand their activities, could there be an increase in fishing activity if other conditions prevailed?

MR. SHANNON: Well this is a pretty tough question to answer. Of course I think that there is room for greater recreation in the form of

fishing. This depends a lot of course on peak periods - probably during the heavy holiday periods, three day holidays and so forth, it is pretty heavily utilized. At other times it is probably not up to maximum, but we think that with improved conditions and if necessary sometime in the future if it requires more $\frac{1}{2}$ fish stocking and we have the money, certainly we would give consideration to more stocking if this $\frac{1}{2}$ becomes evident.

CHAIRMAN CASEY: In other words there is then the possibility of increasing the stocking, we are not stocking up to maximum.

MR. SHANNON: Of course our problem is that we have to divide - we only have so many trout throughout the State and occasionally people think that they kind of grow on bushes and you go out and when you need a hundred thousand you go out and get them. We only have so many eggs in the basket and when they increase the stocking in one area then we have to take the egg out of some other area. I think as the population increased throughout California and the wish of the people is to fish for trout, that not only in the Kern River but in all of the other river systems particularly the roadside waters that there will have to be more trout planted and produced. Of course this poses the problem of money for us - where do we get the money to raise the fish but we feel that when the people want this and when they want it they will be forthcoming with the money.

CHAIRMAN CASEY: In other words it is a budgetary matter - you could increase the fish hatcheries if you have increased appropriations.

MR. SHANNON: That's right and as you know we are a special fund agency and we have to live on our income and our only source of increasing this income is to go back to the license buyers and this is somewhat similar to taxes that everybody says I wouldn't object to paying a dollar more for a license but collectively it is like raising taxes - most people are against it. So we have been trying to keep the cost of licenses at the same figure and yet improve our operations so that we can provide more service.

ASSEM. KILPATRICK: Mr. Shannon, a Sacramento newspaper a year or two ago commented editorially very vigorously that Legislators are lying awake nights trying to find new ways of spending money, and I was just wondering if you found the money resource quite easy.

MR. SHANNON: No. I would say no. I think the Legislature screens the budget very carefully from personal experience over twelve years before the Legislature there I would say that it is screened very carefully. It is not only screened by the Legislature itself, it is screened by the Legislative Analyst of course who works with the Legislature. The facts are provided to the Legislature for their consideration and then of course it is screened by finance and eventually by the Governor's office. But certainly the Legislature has no easy pickins, if I may use that expression, to get money, because when the Legislative Analyst says that he doesn't agree with any department's proposal in relation to more money it ~~is~~ receives very severe scrutiny by the Legislature and we realize that we have a battle to get something like that through. Now ~~unfortunately~~ fortunately we have our budget is less for 62-63 than it is this year and last year and it was less for this year than it was last year. We try to keep within our income for the benefit of the sportsmen and the people so that we wouldn't have to increase licenses and the Legislature has been very cognizant of this and has cooperated with us. Of course this due to the fact that we haven't asked for more money.

ASSEM. KILPATRICK: Well then it is your observation that the public demand and the need probably exceeds the money source.

MR. SHANNON: As far as fish and game is concerned? Yes, we constantly have requests for more programs, increased programs and with a limited amount of money this is hard to forestall. Sometimes we can make economies in other operations. We have to continually review all our programs. We have to see whether this is as important as that so that we spend the most money in the appropriate place. But we could expand as far as that goes ~~peak~~ twice and then probably wouldn't even satisfy the public as far as

program is concerned because people want more fish almost everywhere particularly this year where water conditions are better. When most of the streams were dried up they realized we couldn't plant fish but now that many streams have water they all want more fish and we only have so many.

ASSEM. KILPATRICK: Well from your observation your department is not like I see it, and all other departments. For instance, we are talking now about a new highway on the other side of the river. This takes money and takes lots of money, and right now perhaps the money isn't available. The only way that these services can be provided is through taxation and through state income, and as I see it, the growing population of California, there is expansion all around needed which makes it imperative that somehow we try to meet the problem, but we are, moneywise, we are having very great difficulty of providing the very necessary services.

CHAIRMAN CASEY: Mr. Grant?

ASSEMBLYMAN GRANT: Mr. Shannon, could you give us a little information regarding the protection of the golden trout and the expansion of the program, as far as protection is concerned?

MR. SHANNON: ~~As far as protection is concerned~~ Do you mean on the Kern Plateau area?

ASSEMBLYMAN GRANT: Yes.

MR. SHANNON: Well, we realize, in this case we are torn between two desires, so to speak. We recognize that with California's increasing population there has to be more room for people to spread out and more opportunity to use the available resources. At the same time, this may endanger other resources, for instance, the golden trout. In this case, we can't be opposed to the development, you might say, of the Kern Plateau. We would have to work on the basis that if this comes about and more access roads are built in there, we will ^{have to} try to take what measures we can to protect the golden trout. Now this we have to give some study to.

We might help the situation by certain types of regulations on each stream up there. This might be worked. This will be a little bit difficult and we realize that law enforcement would be very difficult, but I don't think that we can oppose that on those grounds. I think we can protect the golden trout. We have a golden trout policy throughout the state, and I think we can protect the golden trout in most cases. In this particular instance there might be some adverse affect on the golden trout, but we would try to diminish this by certain types of regulations that we haven't figured out yet or recommended to the Commission. Of course, in particular, these native streams, whether they are golden trout or rainbow trout, when you increase the pressure, of course, then you lose a certain amount of the population.

ASSEMBLYMAN GRANT: Are they existent pretty widely throughout the higher areas in this part of California?

MR. SHANNON: Yes, well the golden trout has a considerable range so even if the population in this particular area suffered, there would still be good golden trout streams. We think this is one of California's outstanding natural resource, not in numbers, but just the fact that it's native to California and that type of thing, and even with the development up there, we would certainly try by regulation one way or another even to keep certain -- maybe we could ^{pull} ~~make~~ certain streams in the area and say, no fishing whatsoever. Maybe we could cut down the _____ up to a very small amount. Maybe we could open one stream for a part of the year when the water was high and close it during the time the water was real low. We haven't figured this out yet, but we would try to protect them on some basis like that.

ASSEMBLYMAN GRANT: About hatcheries? Do you have a hatchery as far as the golden trout is concerned?

MR. SHANNON: We have -- yes, we have a couple of lakes over on

the east side that we cleaned out of all fish, and we plant it with golden trout, what we consider pure stock. We take eggs from these fish in the lake and raise them in our hatcheries for stocking in some areas that are purely golden trout waters, and then we have taken under consideration where they have mixed with rainbow to clean this out eventually and start with pure stock over again, so we are watching this very closely.

CHAIRMAN CASEY: They do mix and lose their identity.

MR. SHANNON: Yes, they will mix with rainbow.

CHAIRMAN CASEY: If that's all the questions -- well, thank you, Mr. Shannon, and thank you for your appearance here this morning.

MR. SHANNON: Thank you very much.

CHAIRMAN CASEY: Now, continuing in our concern with recreational development, and I would like to point out to the witnesses -- future witnesses -- that the Committee on Natural Resources is concerned with the recreational development and the potential of the Kern River area and the technicality ----

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technicalities of planting fish in fisheries is not within the province of this Committee, but in the province of the Fish and Game Committee, so if the witnesses would keep in mind that we are concerned with the recreational aspects of this particular area. I think at this time for those of you who were not here yesterday, I would like to introduce the members of the Committee. I was waiting until our final member arrived from San Francisco. He is one of the great outdoorsmen, and so on my far left we have Assemblyman Kilpatrick, from Lynwood. And on my immediate left, Assemblyman Grant from Long Beach. On my far right, is Assemblyman Lou Francis from San Mateo. And next to Mr. Francis proceeding this way is Assemblyman Charles Meyers from San Francisco, and, of course, next to

me is the Secretary to the Committee, Mrs. Mary Nicolaus. And at the far end of the table is Mr. John Meng, who is the consultant to the Natural Resources Committee. In the back there we have our Sargeant-at-Arms, Mr. Charles Mier, so with that introduction, we will now proceed with further testimony. I think, Mr. Balch, would you come forward please.

WILLIAM BALCH: (SEE STATEMENT)

CHAIRMAN CASEY: Any questions.

ASSEMBLYMAN KILPATRICK: As suggested, last year was the driest year in 67 years, but there was a very long dry period in ^{1917 and} 1934 -- 17 years ago -- when the rainfall was very light. How would Isabella have been affected at a period like that?

MR. BALCH: The Isabella operation would have more water in it than during that ~~next~~ period. Now, we have made an engineering study during the whole 67 year period that records are available. You are speaking of 1924, 1931 and 1934, the extreme dry years. During that period, there were fortunately some wet years interspersed which assisted by providing carryover storage. I don't believe during any period of that record have we had the particular conditions that we ^{have} just been through -- the three from '59, '60 and then '61.

CHAIRMAN CASEY: Mr. Meyers.

ASSEMBLYMAN MEYERS: Mr. Balch, I was just wondering here. I noticed you say that your committees have been meeting. How long have you been meeting to make progress in this area?

MR. BALCH: This has been going on since 1956. In 1956, the Board of Supervisors and some of the interests up in the Reservoir and the consultants with the county got the idea of an exchange, and since that time there has been quite a bit of activity trying to maintain the recreation pool. We have been quite active here recently with members of

the Board of Supervisors with Oscar Greene trying to replenish the recreation pool by importations from the Friant-Kern Canal.

ASSEMBLYMAN MEYERS: Maybe you have already covered it, but if you would do it again for me, what -- how is the Reservoir presently used as far as recreational facilities. I mean, are there any existing to ^{there} speak of/now?

MR. BALCH: As far as the recreational facilities. I think we have had several statements this morning of the number of visitor days. During the last few years it has averaged somewhere in the neighborhood of 700,000 or 800,000 visitor days. There is all types of fishing, and so forth. I believe some of the Committee was up there yesterday.

CHAIRMAN CASEY: Yes. Mr. Meyers missed our field trip.

MR. BALCH: He missed quite a trip then.

CHAIRMAN CASEY: Any other questions? Bill, I have one question. Where you state here that the proposal to increase the recreation pool from 30,000 acre feet to 110,00 acre feet, which, if it were done would be necessary to decrease from 140,000 acre feet to 60,000 acre feet the carryover storage. What is the correlation between those two?

MR. BALCH: On the present flood control criteria will not allow more than 170,000 a.f. of carryover each year. Now if we have a maximum of 130,000, that means that if there were an increase of recreation from 30 to 110, there must be a corresponding decrease in the irrigation space, so that assuming that flood control criteria remains the same, the only way that recreation pool could be increased would be by a detriment to the irrigation uses. So that's why we have been pointing the proposals in the direction of increasing the total carryover available.

CHAIRMAN CASEY: Do you feel that the chief factor there is changing the criteria?

MR. BALCH: Actually, as I understand, the flood control criteria

is based on several variable factors, depending on what the absorbtive ability of the water users on the river is. Now conditions have changed, and they do have a formulas in their criteria for making possible the change within the present overall scheme or policy. It's a very complex formula where if the variables do change, they can change the carryover, but the real question is whether there is actually a demonstratable change in conditions. And, unfortunately, we need a great big year to prove ~~that~~ that, and we haven't had it yet.

ASSEMBLYMAN KILPATRICK: If the water level was to be raised, ~~and~~ that is the reservoir space was to be increased to 110,00 a.f., the water would spread out over a much wider area since the bottom of the lake is rather flat. How would this affect evaporation?

MR. BALCH: The evaporation, of course, would go up. As I recall, a constant pool of 110,000 a.f. would probably have an evaporation loss in the neighborhood of about 16,000 a.f. per year, so that there would be a necessity to find an amount of water of 16,000 a.f. per year to maintain that size pool.

ASSEMBLYMAN KILPATRICK: And what is the evaporation loss at the present time on the average?

MR. BALCH: It's in the neighborhood of ~~about~~ 4,000 or 5,000 a.f. on the average.

ASSEMBLYMAN KILPATRICK: In other words, increased by four or five times.

MR. BALCH: Yes. Now, of course, I give you these figures on an average. Each year it is slightly different due to conditions that year.

~~XXXXXXXXXX~~ ASSEMBLYMAN MEYERS: Mr. Balch, just one question here. I notice on page three in your statement, which interested me, that although we recognize the greater importance of recreation values, it would be unwise to damage the county's number one industry for the

sake of recreation. Now, is there any danger in this area? I mean, is it apparent? Because you wouldn't make a statement like that unless --

MR. BALCH: There is a, I feel, a real danger if, for some reason, the carryover storage that irrigation now has available is decreased. Kern River is one of the wildest rivers in the state. On an annual basis, the annual flow carries from about 170,000 a.f. to over 2,000,000. So in order to stabilize the flow, there is a necessity to carry water from wet years into the succeeding dry years. So currently the reservoir is being used to stabilize the water supply from one year to another.

MR. MEYERS: Well, would you say in the course of the meetings you had, and you have three proposals here, some are more within the reach and then others will extend over a period of time before they become a reality that the groups interested and involved are evidencing a sincere desire and wish to cooperate so that it is smoothly worked out among all concerned?

MR. BALCH: We certainly noticed that and we have tried to do our part. I'm speaking from the standpoint of the Kern County Land Company and also the Buena Vista Water Storage District. Oscar Greene, who is heading the committee on the Kern River Valley has been extremely active in this regard. We have made trips to Sacramento. I have had an engineer working many hours trying to work out the details whereby some of these proposals can be ^{concluded.} ~~included~~ I should also say that the Board of Supervisors is quite active in this regard.

ASSEMBLYMAN MEYERS: I might say that you have done a very fine job in laying out your presentation in a very condensed form, and you covered a fair amount of time in this statement this morning.

ASSEMBLYMAN KILPATRICK: It seemed that a variation that you mentioned for the Kern River in getting up to 2 million a.f., there ought to be a lot of water laying around some place.

MR. BALCH: We certainly hope so. With the nineteen day period of rainfall here in February of this year we were looking forward to that type of year, but, unfortunately, there has been no rainfall for quite some time now. But in regard to this year, we are now forecasting a maximum storage in Isabella this summer of approximately 270,000 a.f., and we also feel that there will be a full carryover available for next year. This, of course, is an advantage to both irrigation and the recreation groups.

CHAIRMAN CASEY: Thank you, Mr. Balch. No further questions. Now I think for the benefit of the Committee it would be well if we had a little more presentation on this Lake Isabella question, and would Mr. Oscar Greene come forward please. Before Mr. Green starts and for the benefit of those who do not already know Mr. Williamson, I would like to point out that we have been joined in our hearing by Assemblyman John Williamson at my far left.

MR. OSCAR GREENE: Mr. Chairman and members of the Committee. My name is Oscar Greene, and I am President of the Lake Isabella Chamber of Commerce, Lake Isabella is the largest body of fresh water in southern California. The Kern River is the largest river between Tulare County and the Mexican border. Sixty-four percent of all people in California are seeking outdoor recreation seek this recreation at water. Lake Isabella has produced more sport fishing than any other Corps of Engineer's project in the United States. Lake Isabella is classified as one of the top ~~best~~ bass lakes in the United States. Almost seven million pounds of fish have been taken from the lake since 1955, including the five pounds that Assemblyman Kilpatrick took about four years ago. Three million pounds of fish were taken in 1958, the year that Lake Isabella was at its peak in water storage. Five million persons have enjoyed fishing and water sports at Lake Isabella since water was first stored in 1954. Lake Isabella

has become famous throughout California. When the original studies for Isabella Reservoir were made, it was established that no more than 16,000 persons per year would use the lake for recreation. Last weekend, 17,000 persons were at Lake Isabella. Because of the small numbers expected to use Isabella for recreation, certain design features of the dam were made ~~which~~ which allowed the Lake to be drawn down completely. After Kern County leased the Reservoir for recreational purposes in 1955, negotiations were begun with the Corps of Engineers for recreational storage space. This 30,000 a.f. of storage space was filled with water purchased by Kern County Board of Supervisors. The recreational pool has proven to be inadequate to supply the recreational demands of Southern California. From one million persons using Isabella in 1959, we have seen this drop to 600,000 in 1961, because of the low water level. It now appears that a concerted effort should be made by Federal, state and county governments to insure an adequate recreation pool. A request has been made by Kern County for studies to be made by the Corps of Engineers with the view to establish a 110,000 a.f. recreational pool without infringing on either the flood control or the irrigation benefits. The United States Senate Public Works Committee, at the urging of Senators Engle and Kuchel, have recently passed a resolution requesting such a study. It is expected that the House of Representatives is, at the request of Congressman Hagan, will adopt a similar resolution. This study and an early solution to the problem of larger recreational pool is imperative, if Lake Isabella is to continue to play its important role in providing recreation for the ever increasing population of Southern California. At a 110,000 a.f. minimum pool, this will allow the full flow of the Kern River to run into Lake Isabella at all times, and water for the Burrell(?) Power House would then be taken from the Lake at the auxiliary dam. Presently, when the Lake level drops below 110,000 a.f., the flow of the Kern River by-passes

the Lake and is taken through the Burrell Canal, which at this point runs under the Lake, another problem of the Kern River Valley. The State of California is spending in excess of \$600 million a year on its vast freeway and highway program. No one can deny the importance of getting people to and from work. It would appear, however, that not enough attention is being paid to the need for highways to get California residents to and from areas for recreation. A check of funds spent on recreational access roads in recent years, we believe, would bear out this statement. We do not intend to be critical of the California Highway Commission. We believe them to be dedicated public servants, but we do feel that a new look should be taken at the inadequate highways into recreational areas such as Lake Isabella.

Traffic counts on Highway 178, leading to Lake Isabella, has increased about 14% over the past ten years. The fatality rate on this highway is far in excess of the state average for two lane highways. The Highway Engineers estimate that in a very few years this traffic in the Kern Canyon Highway will reach a saturation point. The route of a new highway to Lake Isabella was adopted in 1960. The design of the road is _____, but no funds have been budgeted for construction.

Problem number three. Fifty years ago the need for outdoor recreation in California was almost nonexistent. Even twenty years ago there were adequate facilities in the way of rivers and streams to serve all California residents. This is not true today. The Kern River above Kernville last year supplied recreation for almost 150,000 visitor days. This number represents an increase of over 120,000 since 1948. When in 1913 the Southern California Edison Company was granted a franchise to divert water in a sixteen mile stretch of this 24 miles of the Kern River for a 50 year period, no one could question the judgment of these agencies granting the franchise. This franchise is almost at an end. We now know that the

use of this stretch of river, what that use is. We can anticipate the increase in this use. Should another 50 year franchise be granted to divert this water, we believe a serious error in judgment will be made. Fifty years is a generation. We believe that no franchise should be granted for such a long period of time. No franchise should be granted that takes away the rights of future generations. Let that future generation make its decision based on their judgment and based on conditions which exist in their lifetime. We, therefore, urge your Committee to request the California Department of Fish and Game and the U. S. Forest Service to recommend to the Federal Power Commission that no franchise in excess of ten years be granted on the Kern River for the diversion of water, and that in granting of the 10 year franchise

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precaution be taken to insure an adequate flow of water in this sixteen miles to take care of full recreational use of this stretch of the Kern River. We believe this to be of paramount importance in the development of the Kern River Valley.

Winter sports in California is one of the fastest growing forms of recreation. Millions of California residents travel hundreds of miles each year to participate in this activity. The Kern River Valley is surrounded by peaks which rise to 10,000 feet. There are areas just north of the Kern River Valley which, we feel, should be studied with the view to the establishment of a winter sports area. With this in mind, a local committee has requested the U. S. Forest Service to begin immediate studies to determine the feasibility of a winter sports area. We request that your Committee urge the Forest Service to undertake this study and to take into account a winter sports area in their future planning. We would like to pay special tribute to Assemblyman Jack Casey and Assemblyman

John Williamson and Senator Walter Stiern for the invaluable assistance they have given the Kern River Valley in the past. These men are truly dedicated public servants. The Kern County Board of Supervisors have shown particular vision in the development of the Lake Isabella area. They are to be commended.

To sum up my remarks, there are, in our opinion, four major problems in the Kern River Valley, which, if solved, will make this area truly the finest recreational area to be found anywhere. Number one, the establishment of 110,000 a.f. minimum recreational pool. Your Committee is requested to urge the Corps of Engineers to conduct studies and make recommendations to accomplish this. You are further requested to communicate with Senators Engle and Kuchel and Congressman Hagan to urge them to see that the Corps of Engineers are provided with the necessary fund for such a study.

Number two, the construction of an adequate highway between Bakersfield and Lake Isabella. Your Committee is requested to urge the California Highway Commission to budget funds for an early start on the construction of the Kern Canyon Highway.

Number three, a flow of water in the Kern River between Roads End (?) and Kernville, adequate to provide full recreational use of this stretch of the river. Your Committee is requested to urge the California Department of Fish and Game and the U. S. Forest Service to recommend to the Federal Power Commission an adequate flow of water and the issuance of a new franchise for not to exceed ten years.

Number four, the establishment of a winter sports area adjacent to the Kern River Valley. Your Committee is requested to urge the U. S. Forest Service to conduct immediate studies to determine the feasibility of such an area, and to consider this use in their future highway planning. Those of us who have, over the past ten years, seen the tremendous growth of

the Kern River Valley realize that not all of these problems associated with this growth will be solved immediately. An old Chinese proverb says, "that in order to make a thousand mild trip one must take the first step". The first step has been taken. We now appeal to this Committee for assistance in completing the journey. Thank you.

CHAIRMAN CASEY: Yes, just a minute, Charley, before -- Oscar, before we continue questioning you, would you give just a little off-hand statement of the recreational use of Lake Isabella, for the benefit of Assemblyman Meyers.

MR. GREENE: Yes. Last year there were 600,000 people using the Lake. In 1958, a million people; in 1959, about 950,000; in 1960, 750,000. Starting in 1954, when water was first stored ^{at} in Isabella, there was about 228,000 that year. As the size of the Lake increased, the number of visitors using the area increased. Also, as the size of the Lake increased, the number of fish caught in the Lake increased. We have a peculiar breed of fish at Lake Isabella. He requires water, and as the Lake goes down, that diminishes. Most of these people, Mr. Meyers, are from the Southern California area. I believe the latest figures we have is about 85%.

ASSEMBLYMAN KILPATRICK. Mr. Chairman, I would just like to ask Mr. Greene. I have a specific purpose in asking this question. How many of these come from Los Angeles? What percentage of your recreational people come from Los Angeles County?

MR. GREENE: From the County of Los Angeles, Mr. Kilpatrick, we don't have the actual figures. My judgment is approximately 75%. I have those figures available, but I do not have them with me at the moment. But it would be my judgment that 75% would come from Los Angeles County. I think about 2% of them come from San Diego County, the balance from San Bernardino, Orange, Riverside and counties adjacent to Los Angeles.

ASSEMBLYMAN KILPATRICK: My reason for asking this question is to pinpoint the interest that Legislators from Los Angeles County would have in your problem, and this goes to recreation, it goes to power, to goes to highways, it goes to agriculture and all, because we are your greatest patrons, and the need is intense. We have a heavily grown need for recreation and every other product that you people have up here. So you can be assured that we are alert to the problems. We want to study them. We want to be factual and fair in any determination that we make.

MR. GREENE: Thank you. We appreciate the interest that the -- particularly the Southern California Legislators have, and one of the best things that you could do is to get in touch with the Highway Commission and tell them that you went up that highway last night and came back down it last night.

ASSEMBLYMAN KILPATRICK: Mr. Greene, this brings up another question. Southern California, of which you are a part now, puts in about 67 or 65 or 67 per cent of the highway money and we get out 55% of it, and consequently we have bumper-to-bumper, bumper-to-bumper, situations _____ no highways in sight for the now, so this is financial problem which we don't like to mention to some of our people in the north, but neither here nor there, it's with us, and it's got to be handled.

CHAIRMAN CASEY: Mr. Meyers.

ASSEMBLYMAN MEYERS: Yes, Mr. Greene. I notice with considerable interest your initial presentation, where you said back in 1954, if I noted correctly, 5 million people ~~MM~~ were at the Lake?

MR. GREENE: No, sir. Not in 1954. There has been 5 million since 1954, Mr. Meyers. I think in 1954, it was something like 228,000. That was the first year that water was stored.

ASSEMBLYMAN MEYERS: I see. But then you had almost half drop from 1959 to 1961.

MR. GREENE: Yes, sir. We attribute that actually to two factors.

primarily, it is our judgment that it was because of the low water level. In checking with the U. S. Forest Service and with the Division of Highways we have found that travel into mountain areas decreases in dry years. There were also probably some economic factors that entered into it as far as the Los Angeles is concerned. That judgment is based on figures that we have from Los Angeles as far as ~~the~~ economics are concerned, but primarily low water.

ASSEMBLYMAN MEYERS: Now, in your problem dealing with the highway, and so forth, you mentioned the traffic count is up 14% for how long a period of time?

MR. GREENE: I believe that those figures start in about 1953. It could be 1954. Now, we will also find that there has -- that there was last year a decrease in the traffic count, as is prevalent throughout California in mountain areas.

CHAIRMAN CASEY: Pardon me for interrupting, but we are taking up Highway 178 as a special subject on the agenda, and this will -- testimony will be repeated after lunch. So I was concerned here with the Lake Isabella -- the maintenance of water in Lake Isabella problem, if we could sort of direct our attention to that.

ASSEMBLYMAN MEYERS: I have quite a series of questions. Will he be back?

CHAIRMAN CASEY: Yes. Oh, yes. He will be with us all day.

ASSEMBLYMAN MEYERS: The thing is if you don't follow through with the continuity, you sometimes don't get back to it.

CHAIRMAN CASEY: I just don't want to lose sight of this problem with flow into Lake Isabella and maintenance of the water level.

ASSEMBLYMAN MEYERS: Well, I had a few more points along that line.

CHAIRMAN CASEY: All right.

ASSEMBLYMAN MEYERS: Then you were talking about the 50 year period --

that deals with the same subject, does it not?

MR. GREENE: That subject there, Mr. Meyers, has to do with a franchise, which is expiring on the Kern River above Lake Isabella. It's a franchise to the Southern California Edison Company, which is up for renewal next year.

ASSEMBLYMAN MEYERS: Will that tie in with Lake Isabella?

CHAIRMAN CASEY: If I may interrupt again. This problem of the renewal of the franchise is ~~the~~ a question that is being studied, and there is considerable work being done by the Department of Fish and Game, and there will be by the United States Forest Service in studying these flows, and the question of the economics between the production power and the water in the river is not within the province of this Committee, so-----

ASSEMBLYMAN MEYERS: Yes, but they request that we contact the Corps of Engineers and other people on the same subject. That's the reason why-----

CHAIRMAN CASEY: It was introduced into the record because it is part of our recreation problem, but not to pursue it to any degree. If we could get back to the flow of the water --. Maybe you have a question dealing with that, Charley? Any questions ----.

ASSEMBLYMAN KILPATRICK: Yes. Mr. Chairman. I want to inquire relative to 110,000 a.f. reservoir. Wouldn't it appear that the best source would be an exchange of water with Kern River -- I mean with the Canal -- I mean -- what is it? There are other sources of water that we can exchange for including the new Feather River water that will be coming in in a few years, and realistically we can't do this overnight anyway. It's a program that we have to arrive at at some future time.

MR. GREENE: Yes, sir. In the past, water has been exchanged between the Kern County Canal and Water Company and Bureau of Reclamation Water taken from the Friant-Kern Canal when they have excess water. That exchange,

I think, has been on two occasions, and an attempt is being made to make an exchange at the present time.

ASSEMBLYMAN KILPATRICK: More could be accomplished by a similar exchange with the Feather River Project when it arrives, when water arrives at the Bakersfield area?

MR. GREENE: Well, we would hope when that time comes that the price of the Feather River water would be such that an exchange could be negotiated.

CHAIRMAN CASEY: Another question? ~~xxxxx~~ Oscar, how do you reconcile the statement of Mr. Balch that if you increase the reservoir pool to 110,000 a.f. there is going to be a considerable reduction then, and the water users or owners will not be favorable to that unless the criteria is changed?

MR. GREENE: Well, in the studies that we have been able to make, we feel that the flood control criteria could be changed. However, we have requested the Corps of Engineers to conduct a study which would cover not only the flood control criteria, but possible modification in the dam itself. The Corps of Engineers has informed the House of Representatives of the amount of money that they need for these studies, and we are very hopeful that the House will appropriate this money, and I think that this study will cover a broad range. We are extremely confident that the 110,000 a.f. minimum recreational pool can be maintained without infringing on either flood control or irrigation.

ASSEMBLYMAN GRANT: Do you feel then that both factors can be taken care of adequately and sufficient water can be provided for both issues?

MR. GREENE: Yes, sir. I believe the dam can be operated in such a way that nobody will be infringed upon.

ASSEMBLYMAN GRANT: Studies are being made at this time, I suppose.

MR. GREENE: We are hopeful that the studies will be made, and that's

the reason that we asked the Committee to urge the Corps of Engineers to conduct these studies. However, the Corps has been directed by the Senate to conduct them, but they must be provided with the funds, and our Congressman will, the first week in May, introduce a resolution before the Appropriations Committee for the funds to conduct this study.

ASSEMBLYMAN GRANT: Harlan Hagen is to take care of this.

MR. GREENE: Yes, sir.

CHAIRMAN CASEY: Are you working ^{closely} ~~simply~~ with the Land Company and the other water owners. I mean is there an amicable relationship in trying to solve this problem to maintain a recreational pool?

MR. GREENE: Oh, yes. There always has been. We may have different views from time to time, but we have worked very closely, and I might say that without the close cooperation with the Kern County Canal and Water Company the exchange of water for the original 30,000 a.f. pool and the subsequent replenishment of that pool would not have taken place. And in addition to that the Company has purchased water from the Edison Company and stored ^{it} in Isabella. In other words, they bought an a.f. of water and stored it in Isabella during the very critical time this last year when it looked as if our fish life might suffer, so there has been a tremendous amount of cooperation there, and I don't think there is any differena of opinion whatsoever between those of us who are seeking the larger recreational pool and those people in the agricultural interest, because we realize that agriculture in Kern County is a big industry. And certainly we don't want to do anything to harm agriculture, and agriculture has been most cooperative in assisting recreation. There is a good working relationship there.

ASSEMBLYMAN MEYERS: Mr. Chairman, a couple of questions.

CHAIRMAN CASEY: Mr. Meyers.

ASSEMBLYMAN MEYERS: Mr. Greene, I was very interested in the request that you made here. You gave a series of about four requests that this

Committee do. Just setting them forth again, do you want this Committee to direct communications to the Corps of Engineers for the minimum 110,000 -- for the Kern River Valley, and then -- now you say that Engle, Kuchel and Hagan have worked on such a study.

MR. GREENE: Senator Engle introduced a resolution before the Public Works Commission requesting a study by the Corps. That resolution passed. However, no funds have been allocated for the study. Our primary concern now is to see that funds are allocated for the study. ~~Our primary concern~~ ~~now is to see that funds are allocated for the study.~~ The Corps is willing to make the study. They have been directed by the Senate to do it, but they must have the funds. Our request is that you gentlemen request the Senators and our Congressmen to see that funds are made available through the Appropriations Committee for the study.

ASSEMBLYMAN MEYERS: You mentioned about the winter sports area. How does this tie in with the Kern River Valley and Lake Isabella?

MR. GREENE: Kern River Valley is located just below peaks that reach up to about 10,000 feet. We feel that there is a possibility in some of these areas for a winter sports development. We have requested the U. S. Forest Service to conduct studies to determine the feasibility of the establishment of such an area. We are asking this Committee to add their voice to our request for these studies.

ASSEMBLYMAN MEYERS: You will be back this afternoon on the highway situation, will you not?

MR. GREENE: Yes, sir. I will be here.

CHAIRMAN CASEY: Thank you, Oscar. Thank you for the questions. Now, I think that we will go back to the subject that we had under scrutiny yesterday, and that is the wilderness plateau area, and Mrs. McNally, would you like to come forward at this time? Do you have material

for the Committee?

PAULINE M. McNALLY: Yes, I do.

CHAIRMAN CASEY: All right. Mrs. McNally, would you identify yourself for the record, please.

MRS. McNALLY: I am Pauline M. McNally, and I represent two different organizations. On the position of the Dome Lands in regard to the resolution thereof, I represent, as President of the Kern River Chamber of Commerce. Relating to the speech, which you have a copy of, I represent the Kern Plateau Association, Inc., and at this time I would specifically like to thank the Chairman and the Committee members for their coming and allowing us the privilege of testifying as to the facts, as we see them, in order that we can present our side of the case. It is, indeed, a pleasure. At this time I would like to take just a few minutes to present a short review of a resume of that which I observed in yesterday's testimony. You will not find it in your speech. But with an evening in which to review yesterday's testimony and statements of the United States Forest Service and their proponents, the one thing that stands out and continually comes to mind is the obviously generalized nature of the testimony. This generalization is most reminiscent of a story told by an opponent of the Plateau wild area exploitation relative to a testimonial speech made by Mr. Simon Alsaker, then resident manager for the Mt. Whitney Lumber Company, at a United States Forest Service hearing at Bridgecraft (?). He stated specifically that Mr. Alsaker's speech was like a bikini bathing suit -- what it revealed was most interesting, but certainly what it hid was vital. And at this specific time I would like to ask one question -- I should say two questions, if it's not out of order, of Mr. Eldon Ball, because it's relative to the testimony which I will present. Number one, Mr. Ball: Has a departmental economic study of dollar resource values ever been made relative to your total resources of the entire Kern Plateau, or any part thereof? And all I want is a yes or no answer.

CHAIRMAN CASEY: Eldon, would you mind coming forward so you can be recorded?

MR. ELDON BALL: Mrs. McNally, the ~~quit~~ question, I think, is rather hard to answer with a yes or no answer. As to studies of complete economic analysis for study of the area as to the total resource, no. Does that answer your question?

MRS. Mc NALLY: The next question I would like to ask you is: Does your Department, since being engaged in studies of the Kern River, K.R. 3 dry stretch problem, feel that the Kern Plateau area is contributing in sustaining fish and game resources for the Kern River and the Kern River Valley recreational areas have a dollar value as exists status quo?

MR. BALL: Might I read that question myself. I have a hard time following this?

MRS. McNALLY: Does the Committee wish a repetition of the -----?

CHAIRMAN CASEY: Yes, I think so, Mrs. McNally.

MRS. McNALLY: May I repeat it again? Does your Department since being engaged in studies of the Kern River, which is the K.R. #3 dry stretch problem, feel that the Kern Plateau area is contributing in sustaining fish and game resources for the Kern River and Kern River Valley recreational area have a dollar value as exists status quo?

MR. BALL: Yes.

MRS. McNALLY: That's all. Thank you, Mr. Ball. Yesterday it was touched quite lightly on what you might call, the eye wash areas or the areas behind the screen of the eye wash relative to timber cutting in the Johnsondale area, and it was presented as testimony that the area was in favorable position as to favorable logging practices as it is anywhere else, and I should like to quote a specific statement of the Comptroller General of the United States report of August 1, 1957, in which they state:

"Forest Service officials agree that cutting on the Johnsondale area National Forest Exchange Timber compares unfavorably with other cutting on National Forest lands."

ASSEMBLYMAN WILLIAMSON: May I ask what the date on that was?

MRS. McNALLY: It's out of the Comptroller General's report of August 1, 1957. Relative to the same logging practices, I would like to quote from the California Crossroads, ^{SEPT. 1960 ISSUE} of which I believe you all have a copy in the folders that were presented to you yesterday, in which it states, quote of Dave Bower of the Sierra Club: "I was sickened by ^{what} I saw. The careful logging and clean-up practices observed near the road had not been observed in the back land. Streams were blocked with slash and dirt. The forest floor had been left in a mess of felled and worthless timber and deep gashes. The public is granted only negligible voice when the ~~Forest~~ Service wants to dedicate vast areas of unspoiled forest reserve to single use logging."

ASSEMBLYMAN KILPATRICK: Mr. Chairman. Could I ask Mrs. McNally -- What time are you referring to? Now, it has been indicated, but the complaints that have been made in this regard are of quite an area of time -- maybe ten or fifteen years ago. Not the present practice.

MRS. McNALLY: This last quote by the Sierra Club was published in the California Crossroads this-year issue of September, 1960, relative to the contract in the Salmon Creek area.

ASSEMBLYMAN KILPATRICK: Do they name a time when this condition was created?

MRS. McNALLY: Well, this particular creation was supposedly prior to or thereabouts in the June -- was observed as such, I should say -- during the period of June 11th and 12th, 1960, and it was of the last Salmon Creek timber sale.

ASSEMBLYMAN KILPATRICK: Does that indicate that the cutting was of recent -----.

MRS. McNALLY: That's right. The last quote out of this was recent. Now, as to the stand of representing the Kern River Chamber of Commerce relative to the Dome Lands.

ASSEMBLYMAN WILLIAMSON: Mr. Chairman, I think -- Mrs. McNally, I think it might be helpful to the Committee for us to have in the record some statement of your own personal interest and qualifications to speak with regard to this area.

MRS. McNALLY: Well, what I might say at this time. I have lived in the area for 32 years, during the time which we have been ranching, been resort owners, and, incidentally, which for the record is no secret, we do have a pack station. That's not a secret, we do have it. But our prime interest is in the protection

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is in the protection of our lands and investments around the Lake Isabella area. We have traversed most of the area. My husband is the Deputy Coroner for the County of Tulare and the Sheriff's Office. He heads one of the best search and rescue units in the State. We head all of the area. We have had occasion to travel all of the Plateau, the Piutes, Breckenridge and Greenhorn over the period of the past thirty years, so by reason of being there, so to speak, a physical contact is the grounds by which I qualify my statements. Is that explicit. ~~Relative to the~~

Relative to the Dome Lands presentation for the Kern River Chamber of Commerce, we have gone along with the Forest Service in accepting the proposed Dome Lands wild area, but we have also tacked on a resolution asking that a hearing be held relative to the possibility, practicability and feasibility of establishing the proposed enlargement thereof as back

up of the action taken by the California Wild Life Federation, and the one thing relative to that that I would like to quote, the material taken from the Kern Plateau field trip of June 24th to 26th, by California Fish and Game biologists, by which they state: "Between Mansion Meadow and Trout Creek lies an area of large granite pinnacles and domes some 35 square miles of rough, steep, sparsely wooded terrain comprise what is known as the Dome Land. While it is a very picturesque country, it would seem to have little appeal for the public over its present status, and creating a wild area there would accomplish nothing."

I will specifically leave those quotes and go back to my position as -- on the subject which is relative to the speech, of which you all have a copy, the subject: The Kern Plateau As Is; A Economic Bonanza. This specifically involves the Counties of Tulare, Kern and Inyo. The testimony presentation is, of course, -- has, of course, been designated by myself for the Kern Plateau Association.

XXXX (SEE STATEMENT)

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CHAIRMAN CASEY: Do we have any questions from members of the Committee?

ASSEMBLYMAN MEYERS: Yes, just a brief question. Mrs. McNally, I noticed with keen interest in several areas of your document and well prepared testimony, you made reference to the fact of pollution and erosion in overrun areas, and then you went, on the bottom of page 4; It is to be noted that while the United States Forest Service seems to be quite aware of the downstream interests uses and dependency on the sustained supply of water from the involved watershed, they make no reference thereof for the needed protection for the source of said water relative to the resource economic dependency, and so forth, because of the resource water dollar-values in jeopardy from siltation, ~~xx~~ erosion and pollution,

or the impact will have on the areas. Now, would you just elaborate a little bit further on that -- on the pollution problem?

MRS. McNALLY: Well, I think in this specific instance, so to speak, that they know these powerhouses exist down stream. I don't think the studies have been made relative to the quantity or quality of water spoilation figures as far as could be produced by studies of stream gauging stations. I don't think they have that available and, therefore, I don't think they have that specific phase of this problem, what do you say, the facts presentable to substantiate their position. In other words, the lack of ^{studies} ~~study~~, although they may be aware of the uses downstream, the lack of studies doesn't give them any criteria by which to evaluate what is in jeopardy. They can't come up with the figures because they don't know to what extent the pollution, erosion and siltation is.

ASSEMBLYMAN MEYERS: You have been working with this problem for a long period of time and as a result the knowledge that you command of the subject here is pretty obvious. Has any of the local regional pollution control board been advised of the state, or the State Water Control Board relative to this subject? Has there been any need for them to go in, or what's -----?

MRS. MC NALLY: We have written specifically to the Water Resources Board pointing out the need for protection thereof and for a study. We don't come out as an organization to project any future programming for the area. We are strictly asking for time for which these unbiased experts, qualified experts, could come up and analyze for themselves the position thereof.

ASSEMBLYMAN MEYERS: Was there any expression from them in this regard?

MRS. McNALLY: Well, only that they intended to be here at the hearing today, but other than that, negative.

ASSEMBLYMAN MEYERS: You know in view of the reorganization of the state structure in government, the State Water Pollution Board and the Regional Boards have now been put under, as I recall, Water Resources, which Bill Warne is Director of, and actually, I am just suggesting quickly to you at this time that you can contact them, but also you've got your State Pollution Control Board and you've got your Regional Control Board, and I am sure that if you will communicate with these people that you'll get assistance.

MRS. McNALLY: Factually, may I concisely present our position. We feel the area is fragile; we feel that the demands on the down stream areas is so ably presented by Mr. Greene of the tremendous potential for recreation, that these things cannot be protected or enhanced obviously if you destroy or do not protect the sources of the resources which feed these downstream areas. We feel like relatively it's all a part, like you would say your body, so to speak. Why worry about your legs or your lower extremities if you are not going to protect your head?

ASSEMBLYMAN MEYERS: Well, the reason why I asked a few questions and made a couple of statements here, it was pretty obvious through your testimony you did give considerable attention to the erosion and pollution problem.

MRS. McNALLY: We have innumerable pictures to show of what the roads, not that they can do anything about it. I think that a person going into the area it would be quite obvious that they are dealing with a soil that is highly erodable, as pointed out by Robert Wolffe, as pointed out by these specific experts that have gone in there, that they are dealing with something which they hope they can contain, but they have no assurance thereof.

ASSEMBLYMAN KILPATRICK: Mrs. McNally. Relative to erosion, what becomes of this erosion material. It's already been testified that

there is no appreciable flow of silt to Lake Isabella.

MRS. McNALLY: Well, I'm not a water consultant or an expert in water problems and I would be in no ~~pix~~ position to say, other than from an eye-witness standpoint. I do know that over a period of the thirty years we have been there that there has been a considerable spilling of all the pot holes of all of the upper areas in the region where we used to have swimming holes in which to swim, that they are gradually filling up, and I think that it's obvious -- I think that most people who would go into an area could see for themselves that these areas of sluicing away of the parent materials, so to speak, that it obviously goes some place.

ASSEMBLYMAN KILPATRICK: Now, Mrs. McNally. ~~Exha~~ As stated previously, we in Los Angeles County in the south have a very great interest in expanding the recreational facilities. So we have an interest. You have a money interest. We have a very great personal interest for our people relative to the development of recreation. I think it is your feeling that we need greater public attention, official attention, to the problems that the area is being neglected. Is that right?

MRS. McNALLY: That's right. I think that obviously that all areas have been projected to use on a generalized basis rather than their own particular and peculiar physical aspects, and I think that it isn't always good sense to say what fits one is ably a good program for another area. And the thing that we primarily contend is that the area is fragile. We would like a moratorium relative to the bonding of the facts so that you won't be in the position, so to speak, of frying an egg and then trying to unfry it. We feel like a moratorium would not harm anybody. In fact, it couldn't hurt anyone. It's like having your money in the bank and investigating before you make an investment.

ASSEMBLYMAN KILPATRICK: You evidently feel that greater activity on the part of the state should take place relative to a study to determine what the needs are?

MRS. McNALLY: We feel definitely that the conclusions drawn herein, that Mr. Ball obviously stated that they had not made a study; the State Department of Fish and Game obviously disclosed they have not made a study, of which I have a record in writing, that it's rather not unlike trying to build this building in which we are seated without a blueprint and test to see if the ground on which it is built is a type that will substantiate the program or the project which you are going to initiate.

ASSEMBLYMAN KILPATRICK: My observation, as I previously stated, that this is one of the very great expanding problems that we have in California, and it requires money to take care of these situations. When it's all added up, this is only one department, one area, but ^alike situation accrues over the whole economy and the social problems of California, and we must, if we want them taken care of, we had better be less critical of the fact that the state has to have money to meet these problems. We had better recognize it, or we had better give up the idea that we want to do anything about it. We've got to be ready to pay the bill if we want these services, and there isn't any reason, any logic in listening to adverse publicity and ~~panic~~ panic appeals to people that money is being wasted. Because unless they can show where it's being wasted, I think it poor logic to pay too much attention to it. We have great needs, expanding needs, in every area of state activity, and this is one of them.

MRS. McNALLY: Well, specifically, Mr. Kilpatrick, the way we feel is that sometimes an area, in its fragility, has more to offer in the reproductions of the sources of the big business economy, ~~such~~ so to speak, as recreation. In other words, if it is protected, if it's a sustaining source of the things with which you can reap a tremendous economy on the recreational basis, but it's like, so to speak, having a small reservoir with which to use for domestic purposes and bath purposes and watering your gardens and everything. All of a sudden you all decide to go up and take a bath in it. You have destroyed its use for any others. It's just

a common sense presentation of backing up and evaluating this thing to see which has the higher ~~priority~~ prior use and to recognize the sustaining source of these big recreational dollars with which the Kern Plateau furnishes us.

ASSEMBLYMAN KILPATRICK: Well, I'm ready to go along with you, but we have to recognize the problem that if we are going to expand and give more public services, we are going to have to collect the money to do it.

CHAIRMAN CASEY: Mr. Williamson, did you have a question?

ASSEMBLYMAN WILLIAMSON: Yes, Mr. Chairman. Mrs. McNally, you were here yesterday, I believe, when Mr. Ball was outlining their plans for the future of the Kern Plateau area, and when he indicated that in the state of ultimate development that it could accommodate as many as 55,000 campers at one time. This was my recollection of it. Is it your opinion that the area there would actually do this, if there are water supplies that are adequate for this development.

MRS. McNALLY: As for my personal opinion relative to the water supplies and the fragility of the area, No. Now, as to specifically picking an area, the area which they have proposed to give us as a wild area, that would sustain that price of recreation, because it's hard, it's solid, you couldn't destroy it. But in the area which they are proclaiming to put under the so-called multiple use, I can't, for the life of me, see how it could possibly sustain that type of mass recreation and massive use on a fragile-type soil without destruction to the watershed thereof.

ASSEMBLYMAN WILLIAMSON: In other words, what you are saying is that even with the wisest kind of planning and the wisest development, that the area still would not support this kind of a camping population.

MRS. McNALLY: Personally, yes, that's my contention, but I would be most willing to leave it to unbiased experts who are qualified in the field to make that specific decision.

ASSEMBLYMAN WILLIAMSON: You expressed some concern over the affect

of the development as ^{is} apparently going ahead upon the economy of the Lake Isabella area. This was your concern.

MRS. McNALLY: That's right.

ASSEMBLYMAN WILLIAMSON: And I suppose you had in mind here the possible affects of pollution and what not upon the water, the source of the Kern River Water upon which this development depends.

MRS. McNALLY: That's right.

ASSEMBLYMAN WILLIAMSON: Do you have any idea of what percentage of the Kern River watershed actually lies within the Kern Plateau? How much of the water has its source there?

MRS. McNALLY: No, I ~~mustn't~~ wouldn't specifically come out, but it is water of major amounts, because it does include the South Fork of the Kern and as well as the North Fork. Now, there are some areas which come from the Western Divide, so to speak, but the only contention that I have is through records of history where they have proved where you have these mass migrations of people, motorized recreation, where it's easy to get to, the ultimate findings, historywise -- you go back to the records of history. Wherever you have that, you have pollution problems. In other words, an area that's fragile can't withstand that type of a mass use.

ASSEMBLYMAN WILLIAMSON: You understand we are not talking about building towns or cities, we are talking about camping -----.

MRS. McNALLY: No, I'm talking about the results thereof. In other words, what is bound to hurt the area above has a direct link to what goes on below it. I mean, in other words, what your head is telling you to do, affects your feet.

ASSEMBLYMAN WILLIAMSON: Would this area be similar in any way, for example, to that of Sequoia National Park, where they are now taking care of a very large camping population, and upon the area as a whole.

MRS. McNALLY: I think that it would be strictly in relationship to

the sizes of the bodies of water involved. The Forest Service showed us pictures of the size of the streams up there yesterday, which are obviously small.

ASSEMBLYMAN WILLIAMSON: This would be a limitation, wouldn't it, upon the development? It wouldn't be likely, for example, that if it should develop that the water supplies were inadequate that the Forest Service would go beyond this point. They certainly would have to feel their way into it, don't you think? So it could be possible to develop this within the limits of the area and do it in a fairly --.

MRS. McNally; Well, actually, what has been agreed upon, and I think it's of record, as you will note in the material given you, we agreed to the Salmon Creek, Horse Meadow, Big Meadow and on up out the Fay Ranch area as a testing ground to prove this, but obviously the time hasn't elapsed in which to gain the proof. In spite of that, we have had another timber sale with the road to go in, and it is obvious that what is the need for an investigation if you've already punctured the balloon.

ASSEMBLYMAN WILLIAMSON: In other words, you feel that even though a there might have been some assurance that this would _____ that the Forest Service has actually gone ahead ahead of schedule in some of these things that they have done. Is that right?

MRS. McNALLY: I think it's an obvious conclusion that they have inasmuch as the study, the relative studies of the overall affect have not been made.

ASSEMBLYMAN WILLIAMSON: Getting back to the affect upon the economy of Lake Isabella, if this area up there would support a camping population of 55,000 people, wouldn't this have a very positive affect upon the economy of the Isabella area.

MRS. McNALLY: I think that would be dependent entirely on the ability of the area to sustain such a use.

ASSEMBLYMAN WILLIAMSON: I think we have to agree with you there.

We have to accept that we are not going to go beyond the ability of this particular area.

MRS. McNALLY: That's right. And the thing that has been our contention, Mr. Williamson, is the fact that we now have Piute accessible by roads, we have Breckenridge accessible by roads, we have practically the Green Horn (?) in its entirety accessible by roads, with all of these potential requisites for recreation, for all this mass type of camping. I mean, it isn't overcrowded by any stretch of the imagination. All they need is more camps in the areas already opened up.

ASSEMBLYMAN WILLIAMSON: What you are saying there is that there are other areas that can be had for this kind of camping without encroaching upon this particular area.

MRS. McNALLY: Until such time as a study has been made to justify if the area has the ability to expand.

ASSEMBLYMAN WILLIAMSON: If this study were made and did prove to justify, then you would not object --.

MRS. McNALLY: I think that if it were made by unbiased experts and if it were just exactly like I think all of you members of the Committee would admit, you don't mind losing a fair fight. If they can show you where you are wrong, it's been a fair fight, and everybody is happy.

ASSEMBLYMAN WILLIAMSON: So then if it could be shown to you that the area could and would support 55,000 campers and 55,000^{people} would go up there and make use of it, you wouldn't then say that you wanted to save this for the few people that go in by packing, would you?

MRS. McNALLY: No, I don't think that would be fair in view of the fact that the millions of people of California -- but the only thing that we feel is that this area will do much more to enhance the fringe area recreation for those very same people, and by going up and discovering the source of it and then leaving the other as a barren ground, so to speak. We are asking merely for a proof for studies to more or less

spotlight what is happening. If we are destroying the source of the resources that do make this a bonanza on the Isabella area, or do they not.

ASSEMBLYMAN WILLIAMSON: Now, let me ask you one other question/ that's related to another part, and I don't want to particularly go beyond it. Now one of these pictures that you circulated here shows a pretty unsightly looking stretch of terrain. However, right in front of it is a tree which appears to me, at least, to have benn a dead tree that was standing. It was apparently just pulled over for some reason or another. Is it your opinioonn that these trees are -- ~~exist~~ a dead tree is better off standing than it is lying down, or would you say that there might be some benefit in getting that tree down on the ground and leaving it there, even though it might not be good for logging?

MRS. McNALLY: Well, I'll say this. The thing that should make up your own mind on that, so to speak, is to take and go into both areas and evaluate for yourself. I think that you can go in and see for yourself with an open mind, and you can pretty well get the picture as to what is appealing to the public. After all the camping public had their minds specifically on these things, too. Sometimes these areas look mighty cluttered and it's pretty hard to convince a camper that a cluttered area is a nice area to camp in.

ASSEMBLYMAN WILLIAMSON: So you would not then feel that the results of logging in area like this where some of the logs that are pulled down on the ground that are not used for lumber purposes, you would not feel that there was any value in this over and above the dollar value of the lumber that is sold. There's no beneficial affect of logging in the area other than the dollar value of the lumber.

MRS. McNALLY: I just can't see how there could be. I mean you can't prime the pump with it's own water forever.

ASSEMBLYMAN WILLIAMSON. Fine. Thank you.

MRS. McNALLY: At this time I would specifically like to tell the Committee that our organization or the Kern River Chamber of Commerce would like to have you as their guest to visit the Kern Plateau area to see for yourselves, at any time that might be convenient for you, and at that time we would specifically like to have Mr. Ball accompany^{us,} but we would like to have the trip cover all the areas in question.

CHAIRMAN CASEY: Fine, thank you, Mrs. McNally. Would we go on to goats?

MRS. McNALLY: Hardly.

CHAIRMAN CASEY: Hardly. All right, ladies and gentlemen, this Committee will now recess until the hour of 2 o'clock.

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CHAIRMAN CASEY: _____ involved in the wilderness plateau, and at this time I would like to call Mr. Lacosse. Is Mr. Lacosse here? Could you identify yourself please, for the record?

MR. WALTER LACOSSE: Members of the Interim Committee, I am Walter Lacosse, resident manager of Mt. Whitney Lumber Company, Division of American Forest Products. I am not going to defend the Lumber Company, and I don't want to enter into the controversy. I want to state a few facts in answer to some remarks that were made yesterday and today regarding the operation of Mt. Whitney Lumber Company. I have been instrumental in logging and sawing

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of some half a billion of board feet of government timber. Consequently, there were many sales involved, several Forest Supervisors, and some of the higher ranking officials of the Forest Service, and also many people. The public was always involved and this is one of the first times

that I have ever run into such serious criticism in methods of logging. During the process of some 22 years of this type of work, I have seen the evolution of the Forest Service. I go from the Model-T days to the type of Fords that we have today. I think their policies and our policies have changed accordingly. We also log park timber, where logging practices were very difficult. We were exposed to -- very much more exposed to the public probably than we are today, and did a rather successful job. Regarding the job that was done on the Kern Plateau/^{where}~~that~~ we logged during the year '59 and '60 some 29,000,000 of feet. I am very proud of that particular job. I think that we probably went all out in the clean up work required -- especially the screen strips. I have heard this discussed many times that we don't clean up the forest. No we don't clean up the forest. I don't think the Forest Service or any of us would have the monies that would be needed to clean up the forest. We expect nature to help us. As far as our slash is concerned, out of the screen strips we do lop and scatter to quite some extent and bring that material as close to the ground as possible for eventual rotting and deterioration. The Forest Service works under rules laid down by Congress. We work under rules and regulations as laid down by the Forest Service. I have thought many times that they were a little too strict on the work that we had to do. Nevertheless, we, too, were interested in doing a good job in perpetuating the forest. Without the Forest Service today, without public land, certainly the lumber industry could not exist in the State of California, because our private timber lands are fast on the way out. And, by the same token, without industry, I think the Forest Service, in taking care of your timbered lands, would find a very difficult job. Forest products is a natural resource. In my opinion, it's next only to man. It can and is being reproduced ~~just~~ to a great extent in our country today. Primarily in the south and in the west, I think that

our Forest Service people are planting millions of trees every year that are paid for, for the most part, by the operator, along with the stumpage prices. Facts were mentioned regarding the marginal timber on the Kern Plateau. I would like to state at this time that during the year of 1961, we shipped timber east by rail from Johnsondale for the first time, and all of the time that was shipped came from the Kern Plateau, and we had several letters of recommendation regarding the texture and quality of the Kern Plateau. It is a natural slow-growing tree and consequently makes a finer texture and better lumber. The Mt. Whitney Lumber Company, as such, owns some 1100 acres of private timber, including several millions of feet of redwood, and as of last fall an exchange was finally consummated ~~in~~ with the Forest Service, and this property is now back in the hands of the government, where we feel, as most of the public do, that that's where the Redwood belongs. Regarding community support. We have a community at Johnsondale, long established, I think some time in 1936 or 1937, of some 600 people, supporting year around some 65 employees, and during our peak seasons of some ten months up to 200 employees. I think that this is very important that we look forward to a furtherance of such an operation in such a community. And certainly the Forest Service Lands and timbers available are plentiful in that area, including the Kern Plateau. The wild life, set aside area as such, the Dome Lands, include some 110,000,000 feet of merchantable timber, readily accessible, and I would like to read a portion of the letter where we went on record as saying that we were in favor of such a set aside:

"This Company, which is highly dependent on the National Forest for the sawlog timber as its basic resources, recognizes that you have ^{given} even considerable and competent study to the establishment of a proposed boundary for the Dome Land Wild Area and wishes to approve the proposal as outlined in public notice. We take note the inclusion of the _____

Meadow Area, consisting of over 6,000 acres, supporting in excess of 110,000,000 feet of merchantable timber, reasonable access and quality for this general location. We feel that it is important that the public realize the inclusion of this timbered area will reduce the available volume of standing timber from which the Forest Service can provide the annual allowable cut to partially maintain established industrial operations in the community of Johnsondale. This inclusion of Manner Meadow timberlands within the Dome Lands Wild Area means the employment of some 250 people will be shortened by two years and a substantial loss of production as a result. The livelihoods of the families living in and around our operations and of others depending wholly or partially on the existence of our community would also be affected. Revenues to all levels of government will be lost as well. We are anxious that all concerned realize that these are the costs of providing wilderness to the relatively few who enjoy it."

Along with this is a proposed extension of the Dome Lands Wild Area of some 60,000 acres that would include some half a billion board feet of timber that would promote longer life for Johnsondale by least ten years with the other timber available in the area. Thank you.

CHAIRMAN CASEY: All right, now. Are there any questions? This is Mr. Lacosse. Mr. Kilpatrick.

ASSEMBLYMAN KILPATRICK: Mr. Lacosse, in my younger days I had quite a little experience in lumber, woods and lumbering, hauling of logs, and so on, so the problem that you present is not new to me. I mean the problem that has just been presented here is not new to me. But what about the fire hazards ~~intaxerating~~ that's created by the failure to clean up after your operations? Has there been any fire in the area? Where you have been lumbering? What about the destruction of the forests because of the debris that has been created?

MR. LACOSSE: Certainly there is a fire hazard for the first three years following cutting in any forest, and it reduces ^{IN} a proportion after

that time, but I believe it is the opinion of the Forest Service, and certainly it is the opinion of the people who operate these sales that the availability of these areas equipment, automotive equipment, and otherwise, lends itself very well to control of these fires.

CHAIRMAN CASEY: Thank you. Any other questions?

ASSEMBLYMAN GRANT: This area that you have in mind, Mr. Lacosse -- I think I have forgotten how many board feet you said it might contain. How long would it take, under normal procedure followed, would it take to harvest this lumber?

MR. LACOSSE: You are speaking of the Dome Lands as the boundaries are proposed? I would say in that type of an area, about two years.

ASSEMBLYMAN GRANT: It would take you two years to harvest the lumber in that area. Have you a shortage of areas at the present time in which to work.

MR. LACOSSE: No, we don't have.

ASSEMBLYMAN GRANT: ~~Mayxmxndntxhaxx~~ Thank you, sir.

SENATOR STIERN: I would like to ask a question. Just as a matter of record, as a timberman, what is your definition of the word "slash". We have heard this used rather frequently. Would you define that term?

MR. LACOSSE: A slash, of course, depends on the type of tree that you may be cutting. If you are cutting a short limby tree of any size consequently the limbs that would be cut off of these logs would make a sizeable pile _____ lopping that cuts them down to approximately two feet from the ground, but the slash trimmed from tree tops -- pushovers -- I might explain that that is a tree that might have been damaged and felled by the falling of another tree, or snags that are felled create slash, too, that are better on the ground than standing.

SENATOR STIERN: And what is the regulation that the Forestry Department holds you to in handling slash?

MR. LACOSSE: There are two types of regulations. One is to pile

and burn slash on screen strips _____ chipping the same areas.

SENATOR STIERN: Chippings of the machine that cuts it out?

MR. LACOSSE: Yes.

SENATOR STIERN: Does your Company do this on the Kern Plateau area?

MR. LACOSSE: We have done both on the Kern -- we have not burned, we have chipped all on the slash -----.

SENATOR STIERN: I have ridden into the Kern Plateau area -- not far, but what is this material that you see where a tree has fallen and the tree is taken out, and the limbs that have been cut away there are an inch and a half, two inches and three inches in diameter, the boughs, as I would call them, that is still laying there, what is that determined as? Is that slash?

MR. LACOSSE: That's slash, yes sir.

SENATOR STIERN: And you are saying that your Company either burns or gets rid of it that way or runs it through a chipper.

MR. LACOSSE: Right.

MR. LACOSSE: Well, who left the material behind that I saw when I was up there? Are there other Companies in besides yours?

MR. LACOSSE: I mentioned the screen strips, Senator.

SENATOR STIERN: Will you define that for us?

MR. LACOSSE: Approximately 100 feet on both sides of all main roads that will be left open.

SENATOR STIERN: That's why this is required.

MR. LACOSSE: Yes.

SENATOR STIERN: And the rest of it is not required?

MR. LACOSSE: The rest of it, as I mentioned, is lop and scatter in many places and the least loppings are two feet in height. We bring the material as close to the ground as possible.

SENATOR STIERN: May I ask a question of erosion. Do you feel that

your Company practices good erosion practice after they take the logs out? The hills are left in a manner -- I know it can't be perfect after you have gone in with caterpillars and trucks, but, in your opinion, do you feel that your Company leaves the hills and the terrain in as good a shape as you can as far as erosion is concerned.

MR. LACOSSE: Yes, I do.

SENATOR STIERN: Another question I would like to ask. Is it true that the concessions are made to a lumber company for the costs of roads that they must put in. In other words, if they contract for the lumber and then they realize they have to put roads in to get the lumber out, does the Forestry Department, the Department of Forestry, allow a concession in the way of board feet of timber for the costs of roads that are installed by the company?

MR. LACOSSE: I don't think that the Forest Service makes any concessions but there is an allowance made in appraisals that will permit the road building -- a specified amount per 1,000 according to the type of road.

SENATOR STIERN: In other words, you are compensated in timber, at least in a degree, for what the cost of the roads would be to go get the timber?

MR. LACOSSE: No. You are not compensated in any way for the roads. If you pay \$10 for timber and you have a \$6.00 road cost, you pay the government \$10 for the timber and you leave them \$6.00 worth of road. That's \$6.00 per 1,000 board feet, and many time our mail haul roads cost that much, or more.

SENATOR STIERN: Well, in other words, what I am getting at is who pays for the road actually that goes in? Are you saying that the lumber company pays for the road, or does the government in part, at least, pay for the road?

MR. LACOSSE: In part, pays for the road.

SENATOR STIERN: Then the road, what I am getting at is this. If

this be true, and the road then becomes partly owned by the people of the United States, I just want your opinion, what's the reason for locks and chains being put on gates to prevent access, then. If the people paid in part for these roads, why they are locked and chained out? I am not throwing this out as an unfriendly question, I just want to know.

MR. LACOSSE: I am delighted with your question, because the one ~~very~~ very particular, very controversial locked gate was put in, I believe, ^{December,} the first of ~~September~~ and was opened the last day of April, or the first of April. Anyway, there was a specified time. It was during the winter months. That particular road was not surfaced, and there were parts of fills in that road that could have very well cost ~~from~~ anywhere from \$10,000 to \$30,000 to replace those fills, and had the water bars been knocked down by vehicular traffic during the wet season, during a rain at any time where water could wash down the road, it would take out one of those fills, and this gate was put in there actually protecting your dollars.

SENATOR STIERN: Well, doesn't this keep people out who aren't going in with wheel equipment, the same as it does people who do. Let's say that I was going to hike into that area. I'm not going to hurt that road with a horse, am I?

MR. LACOSSE: There were trails available for horses. Certainly they could have gotten around that gate in many places.

SENATOR STIERN: Well, I asked the question because I wanted to know what your reaction was to it.

ASSEMBLYMAN GRANT: As I understand it, it wasn't any great area fence. It was probably just the roadway fenced off, is that right? A gate on a roadway, or was it a continuous fence that might prevent people from going through on horseback.

MR. LACOSSE: The gate was very strategically located so vehicular travel could not go around the gate.

ASSEMBLYMAN GRANT: But anyone else could?

MR. LACOSSE: Les.

SENATOR STIERN: But you couldn't with a horse though?

MR. LACOSSE: Not at that particular spot. There were places available to go with a horse.

SENATOR STIERN: How far would you have to go out of the way with a horse to get through?

MR. LACOSSE: Well, depending on which direction, up or down the road. If you were coming from the south it would be closer to get up into the area without going through the gate.

SENATOR STIERN: How much distance perhaps? How much farther would a person have to go out of the way to get through with a horse?

MR. LACOSSE: Coming ~~from~~ from the Kernville side, it would be closer, and from the Johnsondale side, probably a quarter to a half mile.

SENATOR STIERN: Is it true that the signs on these gates definitely inform the public that they are not to enter at that point? These gates have signs on them, let's say that I guess they are Forestry Service signs, are they not?

MR. LACOSSE: I can't remember, sir.

SENATOR STIERN: But they do say that you are not to go through this gate.

MR. LACOSSE: They say that the gate is to be locked on a certain date and will be open on a certain date, and I don't remember the rest of it.

SENATOR STIERN: In other words, a gate and a road, which is partially paid for by the citizens of the United States has a lock and a chain on it so that people cannot enter through that gate? Is this a correct statement? That's all the questions I have.

ASSEMBLYMAN MEYERS: Mr. Lacosse, I was referring here to the pre-sentation by Mrs. McNally, where she makes reference to logging/^{the}watersheds, and so forth, and bringing about erosion and water pollution. Now, would you care to comment on that phase. Is your company cognizant with the problem connected thereto?

MR. LACOSSE: I would say that the company has never on public lands ~~happened~~ locked off any creeks; they have not logged in any creek bottoms, and as far as the erosion is concerned, certainly wherever as far/^{as}the the pollution of the creek by soil, certainly where there is logging there is that potential at all times with a torrential rain of some type during the summer months or a fast runoff in the winter.

ASSEMBLYMAN KILPATRICK: Mr. Lacosse, as I get it you pay the government \$10 a 1000 feet for the stumpage, and then you get a credit of \$6 for building the road, is that right? That leaves a balance of \$4.00 a 1000 feet?

MR. LACOSSE: That's one way of putting it. I would rather put it this way, that if we pay \$10 stumpage, an allowance is~~y~~ made of \$6, which we have to pay and leave the road to the Forest Service and the public.

ASSEMBLYMAN KILPATRICK: Now, when you have logged an area, is the area in better or worse shape from a recreational standpoint after you have logged it?

MR. LACOSSE: As I mentioned earlier, in all of my experience of logging I have found the public -- until I came into this area -- I have found the public very receptive to the logged over areas.

ASSEMBLYMAN KILPATRICK: I have visited some logging areas further north and, as I recall, they were doing a pretty good clean up job afterwards

and they had these choppers, and big limbs, five or six inches across, run through the chopper and clean up the place, and that would leave it in very good shape for recreation, but if you leave these timbers scattered all over the place, I can't see how you would be aiding recreation in the logging process. It looks to me like the injury might be greater than \$4 a 1000 feet, what the government gets out of the stumpage. Of course, you build roads. That has to be taken into consideration, too. And one other point is. How is this left to the public, if you put a lock on the gates and close them out? Where is the public getting anything out of that?

MR. LACOSSE: Only during the winter months, sir.

ASSEMBLYMAN KILPATRICK: What during the winter months?

MR. LACOSSE: The gate is locked on this particular road, as I mentioned, because of the many ~~split~~ fills on that road that could be severely damaged and would cost a lot of money to replace.

ASSEMBLYMAN KILPATRICK: Mr. Chairman, the question before the Committee, and I fail to understand just how much interest we can exercise as far as this Committee is concerned in this whole matter, because of it being a federal project, but I do think that we have a very great actual interest even though it may not be official interest, and I would suggest that this Committee attempt to make an on the ground inspection and see what goes on.

MR. LACOSSE: I would invite such a procedure, Mr. Kilpatrick.

CHAIRMAN CASEY: Any other questions from the Committee? Mr. Lacosse, we've had a lot of testimony concerning lumbering operations on this wilderness plateau area, your Company operates under contract with the U. S. Forest Service.

MR. LACOSSE: Yes.

CHAIRMAN CASEY: And in the matter of access roads, who determines the location of the roads? And who determines whether they are going to be adlocked, or not?

MR. LACOSSE: The Forest Service.

CHAIRMAN CASEY: The Forest Service decides that, and in the cutting down of trees, who determines which trees you are going to harvest?

MR. LACOSSE: The Forest Service officials.

CHAIRMAN CASEY: The Forest Service does, and in the clean up of debris and slash, who has the jurisdiction over that?

MR. LACOSSE: The same thing. The Forest Service.

CHAIRMAN CASEY: The Forest Service. So that as far as Mt. Whitney Lumber Company is concerned, you are directly under authority of the U. S. Forest Service, and it is their rules and regulations which apply to your activities?

MR. LACOSSE: That's right.

ASSEMBLYMAN MEYERS: Sir, I just want to inquire. Do you employ selective cutting?

MR. LACOSSE: Yes, that is the only ~~type~~ type of cutting we do on public lands.

ASSEMBLYMAN MEYERS: Does the Forestry Service go in and say what trees you can or cannot cut?

MR. LACOSSE: Yes, they do.

SENATOR STIERN: Mr. Chairman, I would like to ask a question. It may not be a proper question. I will let the chair decide whether I ~~should~~ should ask it or not. I would like to ask the question: Is it the case that Mt. Whitney is the lone bidder when they go into this territory to bid on sections that are put up for sale, or is your bidding competitive with other lumber companies? Are you the lone bidder at times, or do you have competition from other companies?

MR. LACOSSE: We may be the lone bidder. We never know until the bids are opened. At no time in the process, particularly methods that are being widely used by the Forest Service, of a sealed bid. We must present our bid to the Forest Service on or before the day of opening

and we never know. And today's fast methods of log transportation, we never know from ~~an~~ one sale to the next that we have ever bid on, whether we -- we were never sure we didn't have competition -- let's put it that way. The competition was always there.

SENATOR STIERN: But there has been more than one time when you were the lone bidder?

MR. LACOSSE: Yes, that's very true.

SENATOR STIERN: That's all I wanted to ask, Mr. Chairman.

CHAIRMAN CASEY: Thank you, Mr. Lacosse. I think that exhausts the questions. Now, ladies and gentlemen, we have been interested in the wilderness plateau area as part of the recreational complex of the Kern River Area, and I think up to this point we have had comprehensive testimony from the various interested parties. Mr. Ball has presented the U. S. Forest Service program, and the principles which motivate their activities. Mr. Ardis Walker, Mr. Curran and Mrs. McNally have presented their point of view and have pointed out that the Kern Wilderness Plateau is part of the ecology of the whole Kern River area, so I think that we now will leave further testimony from this wilderness plateau area and turn to other matters on the Kern River. We want to take up, in as much detail as possible, Highway 178, but before we do that, we have an interest in a portion of the Kern River which has great recreational potential, and so I think at this time I will call on Mr. Ralph Edmonds or Mr. Aaron McFarland, whichever one is going to talk first. Do you want to present pictures first, Mr. Farland or Mr. Edmonds, or do you want to -----? Mr. Edmonds, would you mind just waiting a moment, and Mr. Davis, we will take your testimony now.

MR. MAYHEW H. DAVIS: (SEE STATEMENT)

CHAIRMAN CASEY: Thank you, Mr. Davis. I'm sorry you had to wait so long before presenting your testimony. Do we have any questions of this witness?

SENATOR STIERN: I have have one I would like to ask. On page 1 at the bottom of the page it says: "This management plan provides for coordinated * * * use of the area for recreation * * *". Can you tell us in what manner?

MR. DAVIS: Well, the plan that has been developed by the Forest Service, as pointed out by Mr. Ball, calls for the development of six major recreation areas in themselves. Mr. Ball has the details of each of those areas.

SENATOR STIERN: Is this planned, or has it been done? This is in the planning stage only?

MR. DAVIS: Yes. It says: This management plan provides for coordinated, balanced, use of the area for recreation, timber, water, forage, wildlife, mineral and other resources. And in the recreation area the plan does provide for extensive development of both picnic, campground and the general recreation and use of the type that the mass population would like to have developed.

CHAIRMAN CASEY: Thank you, Mr. Davis.

ASSEM. KILPATRICK: Mr. Chairman, I would like to ask Mr. Lacosse, another question.

CHAIRMAN CASEY: Mr. Lacosse, would you mind coming forward once again?

ASSEM. Kilpatrick: Mr. Lacosse, what total revenue do you expect on the basis of \$4 an acre foot is the net that the federal will get out of the cutting of this timber, what would be the total income to the federal government for the amount of timber that is available for cutting? You say that it's going to take about two years to make the cut over. What will be the revenue to the federal government/ in that period of time?

MR. LACOSSE: The particular timber that I mentioned, I think that you were talking about the timber that was left in the inclusion of the wild area Dome Land, or what part of it are you talking of?

Mr. Walter Kane, Mr. Roland Curran, Mr. Robert Eddy, Ralph Edmonds
Mr. Walter Muller, Jesse Stockton, Aaron McFarland and John Loustalot.

As testimony given this morning somewhat curtails the testimony I expected to give, I will try to hold mine as close to the resolution we have in order to expedite matters and we won't be in repetition. First I would like to read our resolution:

(SEE RESOLUTION) ? ? ?

Before going into this resolution, only as information on some figures I would like to present to the Committee for their consideration later on for their own information.

CHAIRMAN CASEY: All right, do you want to give them to the secretary for the record.

MR. EDMONDS: I would like to announce these, if I may, Mr. Chairman. There are some discrepancies in the two organizations _____, if I may read them them.

CHAIRMAN CASEY: Yes, now these figures are pertinent to what?

MR. EDMONDS: To the redevelopment or of the Kern River and modernization of the powerplants. I would like to give the dates of their last installations and the amount of kilowatts produced by such.

CHAIRMAN CASEY: Well, now that would not be within the province of this committee, Mr. Edmonds. We are not concerned with the economics of producing power, but we are concerned with any factors that will hinder the recreational development of the Kern River.

MR. EDMONDS: Well, may I give then the dates of the last installations in each of the K.R.1, K.R.2, the one is Burrell, and K.R. 3, to bring out a point of modernization for lesser amounts of water to be used, so that we might have a _____ living between the two. In other words, the uses for both recreation and for power production.

CHAIRMAN CASEY: Well, let us see what the figures are.

MR. EDMONDS: From Moody's Industrial Finance Report, page 67, 1956.

The last unit was installed at K.R. 1 in 1907, Burrell in 1932 and K. R. 3 in 1921. I bring that point out because ~~thatxthx~~ at that particular time and since that time there hasn't been any modernization of those plants and as such uses an ex~~or~~bitant amount of ~~watex~~ watts. We believe that modernization is _____. That testimony, I will leave then, of course, for the Federal Power Commission. It is not pertinent to this Committee. Is that right, sir?

CHAIRMAN CASEY: Thank you. Yes, that's right.

MR. EDMONDS: Then again I would like to give this then the cooperative statement of revenues in this schedule chart 2, page 84 of the California Budget from 7-1-62 to 6-30-63. The fishing and hunting licenses in '60-61 was \$10,368,887. From '61-'62 it was \$10,545,000.

CHAIRMAN CASEY: Was that for Kern County, Mr. Edmonds.

MR. EDMONDS: That's the state. The estimates from '62-63 will be \$10,693,000. I bring that out because it shows a constant incline in hunting and fishing. If I may not use the ~~mx~~ rest then, Mr. Chairman, I will present the chair copies of these figures to go on record.

CHAIRMAN CASEY: Fine. Thank you.

MR. EDMONDS: As to the making of a study of all of our areas as to the waters removed from the stream~~s~~ bed, we will start with K.R. 3 and take to K.R. 3 powerhouse. Last year those experiments were made. Seemingly they weren't acceptable by the parties affected by it. This year they expect to make the same, only that they hope to come to a more justible figure, I suppose. As far as we are concerned as an organization, we see no way in the world that we are going to come out on top of that. The figures set forth by the State Department of Fish and Game at that time were not accepted by the Southern California Edison Company, so it calls for this next -- another experiment. So at this time I would like to make it plain that under these experiments -----

coming up now to be handled by the State Department and by the power company involved, that such figures not be changed after once accepted by the State Department of Fish and Game and by their biologists.

Number 2. To make a study for the purpose of developing the full potential of the capacity of Lake Isabella, to store water for flood protection and recreational aquatic life. The photos that I ~~show~~^{have given}/you there show the 1957 operation fish rescue when the Burrell flume had to have the sand removed and moss and other things that had gathered in ~~there~~ there. This operation, with the cooperation of the State Department, the Kern County Fish and Game Protective Association, and the Southern California Edison Company and equipment, was considered 100% efficient. The mortality rate was exceptionally low. I don't think that any was lost due to ~~an~~ recovery in itself. However, the handling of the fish from the point of recovery and the point of release, we did lose a few. I bring that point out for the other three smaller photos that shows the diversion gates just below Kernville in 1955, When the Lake was completed in 1954, the complete flow of the Kern River was going into Isabella Lake. It had immense trout in it and it had hundred of thousands of trout in it. The day came that the water to run the Burrell Powerhouse wasn't sufficient. They closed the diversion gates and they locked hundreds of thousands of these great ~~big~~ big trout running their natural spawn. That was in March, 1955. Now, to ~~renew~~ recover these fish in that area, it was almost an impossibility. It was due to the stream bed was rough on the bottom, the sides. That other photo that you see there of myself those dead fish, and that area had been policed prior to the time I was there. We have witnesses in most of those pools ranging, of course, in differences in sizes -- ranging from 25 to 400 to 500 fish, large spawners. So on this Resolution we are asking for a full flow of water in the Kern River to Lake Isabella, and if we contend with a 110,000 a.f., that's sufficient to keep the Burrell

Flume. Therefore, that will not hamper them. Therefore, we ask that to be included in this and your acceptance of it, and we also ask to make studies of all the other dry areas. Those dry areas are, of course, from the face of the dam to Burrell, and from the Democrat Dam to K.R. 1. At this time they release 52nd feet of water the first of April to the first day of September, which is not sufficient to sustain fish life. At the time that we had the meeting at the diversion gates below Kernville, Mr. Clarene of the Southern California Edison Company, and some of the others, noted to me that we had done a million dollars worth of damage in public relations to that organization by making a front page story of it. I'd like to say to the Committee at this time, although we know that the K.R. 3 intake, K.R. 3 powerhouse, is the only one that can be brought up before the Federal Power Commission, if it is the intent of the power company to show such good relationship, this is the time for them to meet their moral obligation and release more water from the Democrat to K.R.1.

CHAIRMAN CASEY: Well, I think, Mr. Edmonds, don't you, that we should recognize and put into the record that at the present time intensive studies will be made concerning the flow of water and what will be necessary to maintain marine life. I don't think that we should make any categorical statements until we have the results of those studies, and I think your organization would agree that if we come up with satisfactory answers after the studies that you would be perfectly agreeable those results.

MR. EDMONDS. Yes, Mr. Chairman. These experiments we know are proposed for K.R. 3, but so far there are no proposals for experiments from the face of the main dam to Burrell, nor from Democrat to K. R. 1. In this Resolution we are asking for that. We ask that experiments be run there. Not at this particular time -- first things first, because we don't expect ^{to stretch} the Department of Fish and Game too tightly, so we would like to have that included. Number three. To make a study to close the

Kern River to all fishing when trout are not allowed to be legally taken, except that area known as Lake Isabella, Lake Isabella to remain open all year as now allowed. The Kern River has been open to all types of fishing as far as Horse Tail Bridge, which is up the Kern Lakes area. A lot of people don't realize that, but that's true. Of course, that will conflict with the whole idea of the Resolution to allow that River to stay open. Number one, if we are going to have water all the way down and make a suitable trout stream, which it originally was, and will be, and still can be, we have to protect it. Originally they opened that with the thought that probably meant well, but was wrong. It meant that the people from Bakersfield and the vicinity thereof could go up the canyon in a matter of 35 or 40 minutes and enjoy an evening's fishing or morning's fishing with their families. In reality, they were making criminals of them. It defeated their cause. When they went up there to take the so-called Bass, croppie and other fish, they took trout. This depleted the trout to begin with. There were large brood stock there. It was said by Mr. Lewis, of the State Department of Fish and Game, that we have a biannual spawn here, that there are only two rivers in the United States who have such. Those large fish are being taken daily, and of course, who is going to throw away a three, four or five pound rainbow once he has drawn blood on it. The State Department of Fish and Game, I am sure, have not the wardens to police the area, nor I don't see how a warden could justify himself by arresting a man with a bleeding fish when they have a law allowing this thing to be open. We are asking that legislation be drawn in conjunction with the remainder of this Resolution that this river be closed except during the regular trout season.

CHAIRMAN CASEY: Well, it's a little bit out of the problems of this Committee. It would fall in the province of the Fish and Game Committee to take up the rules and regulations concerning that, but you have it in the record, and the Committee will certainly be cognizant of it.

MR. EDMONDS. Thank you.

CHAIRMAN CASEY: Thank you, Mr. Edmonds. Do we have any questions of Mr. Edmonds?

ASSEM. MEYERS: Just one brief question, Mr. Chairman. Mr. Edmonds just as a point of information in the Club that you represent. Has there been any problem as far as pollution in any of your discussions or deliberations?

MR. EDMONDS: I didn't bring that out. I would like to answer the question. This rescue program you see here was the one accepted after other experiments had been used. However, there are experiments being used now whereby an accident, as ^{it} is called by the power company, and I don't think was anyone's particular fault. Not the Department of Fish and Game, but they used ^{copper} ~~carbon~~ sulphate in the Burrell Flume. It cleaned the flume all right, but it cleaned hundreds of thousands of fish in the lower Kern River. There is no way of knowing the tonnage. It is estimated that tons of fish were taken out of this flume. If tons of fish were in a flume not natural to them, then how many tons of fish were killed in the lower area below Burrell. I saw this. We had witnesses who saw it. I was asked the question, was there any trout. Certainly there were trout. Anything that will kill so-called white fish or suckers or other garbage fishes, as we refer to them, certainly kills a trout. Trout is very susceptible to any type of bacteria or any pollution.

ASSEM. MEYERS: The reason why I asked the question. I have ^{tried} ~~had~~ to adhere very carefully to the admonition of the Chairman to the effect that we don't want to get into other areas, but the pollution problem has been a problem before this Committee. We have had a subcommittee for the last six years, and that is the reason why I asked the question. Now has there been any other noticeable fish killed besides the ones you just made reference to?

MR. EDMONDS: That has happened to my knowledge twice. -- the fish

kill has happened.

ASSEM. MEYERS: You ~~might~~ attribute this to pollution?

MR. EDMONDS: It was pollution by copper sulphate, some call it blue stone, but that's what killed the fish.

ASSEM. MEYERS: How did copper sulphate get into the deal. Would you mind explaining it briefly?

MR. EDMONDS: The Southern California Edison Company used copper sulphate to kill algae and moss in the flume feeding Burrell, and it was cheaper, faster and an easier way to do it. I wouldn't want to try to give the percentage of figures, because they are controversial. I have heard them, but I wouldn't want to give them, because I really don't know exactly.

ASSEM. MEYERS: What has been the position of the state agencies involved with the problem, namely Fish and Game and the Regional Water Pollution Board and the State Pollution Board? Have you just let this thing go by unnoticed, or has there been any cooperation between you and Southern California Edison Company?

MR. EDMONDS: We complained to the Southern California Edison Company as did the State Department of Fish and Game. As the State Department of Fish and Game was in with them on the copper sulphate^{that}~~xxx~~/was used, I don't suppose they had too much recourse. However, the Pollution Board was not notified to the best of my knowledge.

ASSEM. MEYERS: It should have been. Of course, the California Edison Company is a very responsible group of persons, and I am sure that they would make every effort to rectify any problems with regard to this.

MR. EDMONDS: Well, if in latter years, I understand they still -- they continue to use copper sulphate, but only of a very minute amount, and it does do the job. We have only had this particular type of flume cleaning in the one time.

CHAIRMAN CASEY: Mr. Edmonds, that's no longer a problem, is it?

MR. EDMONDS: No, other than this Chairman Casey. I don't know of anyone who takes the large trout below Burrell in the last three years, or two and a half years. Those fish used to run up as far as Burrell, but there not being any water from there on up to the face of the dam, they stood there in a large pool. It would be a sight to see if you were to see on opening day the fishermen standing shoulder to shoulder and the _____ beyond of what they throw to the bank, white fish and other fish, but they take tremendous trout, or used to. Last year and the year before, that didn't occur, but we don't know whether to contribute that exactly to copper sulphate or whether it is the years of the drouth that we have had and caused the fish to hole, or more or less hibernate where they are, rather than move in the too warm water. As soon as the cold water starts coming down, when they open the gate from the dam and there is enough water in the runoff and they open the diversion gates up there and turn cold water down the Burrell flume, as soon as that hits that natural river bed, these fish run to spawn. This is of their nature. If they are rainbow, of course, spawn in the spring each year, a lot even in the fall.

ASSEM. MEYERS: Would I be correct to conclude that based upon your just your last statement here that the condition or problem is now at a minimum?

MR. EDMONDS: To the best of my knowledge, yes. But I would like to say this for the record, that we would like to know someone who can tell us what happened to our great large spawners that were taken out of there by the hundreds and hundreds, but since the use of copper sulphate, we haven't had that kind of catch. It is their contention that it hasn't anything to do with it.

ASSEM. MEYERS: You have worked with the company. Haven't they given you any explanation. Haven't they tried to show you what they have done to correct these problems?

MR. EDMONDS: They only tell us that they have reduced the amount of copper sulphate, and naturally they are not going to agree that that has taken the lives of those fish. We haven't anyway of proving it. I think your suggestion of the Pollution Board would be a good one to run tests on that each time that they do run copper sulphate through the Burrell flume.

ASSEM. MEYERS: In case you didn't know this, in the '59 session we passed legislation to give the local Pollution Control Boards power to set conditions and ^{then} if those conditions are not met, to go in and issue cease and desist orders. But, of course, the Fish and Game Department should also be in on this problem, too.

MR. EDMONDS: Well, we will follow that. I would like to make one more note as you asked the question. Three days after the terrific kill from copper sulphate in the waters below Burrell the State Department of Fish and Game made a plant. It was assumed that all of the, we will call it polluted water, had moved on. Those fish, practically 90%, died, as the backwaters and so on, the sulphate held, and it practically killed all of the fish that they put in at that particular time. It was figured around 1400 trout. Those fish are paid for by the fishermen, hunters ⁱⁿ and/licenses.

CHAIRMAN CASEY: All right. Do we have any other questions of Mr. Edmonds?

MR. EDMONDS: I want to thank the Committee for their time and your most attentive ear.

CHAIRMAN CASEY: Thank you, Mr. Edmonds. Now, Mr. McFarland.

MR. AARON H. MCFARLAND: (SEE STATEMENT)

I have attached other resolutions which I read there that I referred to, but it will not be necessary at this time for me to read them as you have copies there. I have one copy that I might refer to, the last one. This is a resolution presented to the Kern-Kaweah Chapter, Sierra Club, for

renewal of license of Kaweah #3. I won't read that at the present time. That's the way it was presented to the Kaweah Club. That is merely to show you that the same pattern that we have on the Kern River has been followed on various other rivers of the state. I will now proceed with my pictures, and I will explain them and answer any questions that anybody cares to ask in connection with them. ----(Record indistinct - not talking into microphone)

CHAIRMAN CASEY: Pardon me, could you let Ralph press that button for you to change the slide and you talk into the microphone on the desk.

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MR. McFARLAND: This picture here shows the amount of water running down the mountain on the flume that they didn't put through the power plant. They picked it up right at the entrance to the flume and for some reason or another is running down the mountain. I don't know what it is. Here is a flow of the Kern River flowing down there the same day that you saw that beautiful _____.

This picture they weren't doing so much on the P.O. & E. plant at the mouth of the river. _____ all this water is not being used in the flume because the plant is shut down and it's going back into the river. Note the palm trees that are growing where the water has seeped down in various places on the side of the canyon and has been going down there for years; because these trees go clear up the side and on. They have to have water. The only way they can get water is waste water that _____ the flume going into the river. This is the stream of water _____. This is a fall that _____ in the river from Democrat Dam down to what is known as K.R.1 _____. The same day that I took that first picture that you saw all of that beautiful water going down where we have a continuous flow of water in canyons. If a small portion of this _____. We have four months of the year _____ in this river for the maintenance of fish in

aquatic waters. The other eight months of the year _____ franchise of the Company of K.R.I. _____ any water in the river whatsoever. This is a flume leading to K.R.I. from Democrat Dam up here about 300 or 400 feet, where this picture is taken, there is a _____ that comes down the mountain, and I came up this catwalk and came down here and fished. I have fished in this flume, gentlemen. There's some very nice fish in there, but you can't get them out, because these are iron bars. If you catch a fish down below here _____ you catch them and you lose them. There is no use fishing.

ASSEM. KELPATRICK: Mr. Chairman, I would just like to ask. You say Democrat Dam, where is that, near Democrat Hot Springs?

MR. McFARLAND: That is correct. I'll show you a picture of the dam at Democrat Hot Springs. It's about 300 or 400 feet above that other picture. This is the one. There are two valves there that stay open four months of the year, which they are required to release 50 c.f.f. into the Kern River. This water comes out from the bottom of the flume. The flume is way up here away from _____. This water ^{shoots} / out here at approximately say from 30 to 40 feet. Much of it is sprayed into the air and it is evaporated before it gets into the stream. That is the release -- the entire release into the Kern River by the franchise that was granted in 1946, which was subsequently required to release this amount of water in 1950, so I understand. If we could have a minimum, I would say, of regional amount of release of water during all the year we could keep those big fish, as Mr. Edmonds showed you the picture of and the kind of fish that I will show you a picture of later that my boy caught in the Kern River below _____ Hot Springs. This is the biggest pool. I have taken many a fish out of this pool, gentlemen, when there was water there. That pool is just below Democrat Dam. To release water _____ about fifty feet below there. That's why there's no water

running here at all. This is below Democrat Dam. Like the Fish and Game Man said to me, "We haven't been able to _____ the fish to water." This is Democrat Dam. Note the water. There was some 4 to 6 inches of water coming clear across this dam when this picture was taken. At that time, according to the papers, there was approximately 1500 feet of _____ coming down the river. You have the full flow of the Kern River from this point up to the Burrell intake. I fished here in this area one evening. I caught four of the most beautiful trout you have ever seen -- from 10 to 12 inches. I had an old engineer friend of mine that was fishing with me. We were fishing with worms. He couldn't get a thing, and I fished there and caught four beautiful trout that night. I gave them to him and he took them home with six salmon. At the same time in the evening we _____ feeding trout. They were coming up the stream here -- trying to go up that ladder. They would go up a little ways and fall back -- just like trouts do. They love to do those things. I have been feeding those things _____ all my life. I used to live in Colorado and the trout just love to get up against a fall and try to go up the fall. If they would make it up, then they would go right back. The fisheries area natural habitat for trout _____. Also, gentlemen, I wish to call your attention to this. There is no fish ladder here so that the fish that are planted, the thousands of fish planted by the State Fish and Game, in ^{this} area between K.R.1 and this dam. It's impossible for these fish to get up here into the full flow of the water. Two of those trout that I spoke of were spawning. They had eggs in them.

ASSEM. GRANT: Mr. Chairman, isn't this a matter for Fish and Game. Should it be before this Committee, primarily. After all, it's recreation ---

CHAIRMAN CASEY: That's right. Your point is well taken. We are concerning mainly with what is necessary for the recreational development and water flow and not the particular problems dealing with the fish.

That's in the province of Fish and Game.

MR. McFARLAND: Well, Mr. Chairman, we can't have any recreation, can we, without water.

CHAIRMAN CASEY: Well, I mean if we -- if you bring to our attention the problems that hinder the flow of water. We understand that without water you have no fish, and with water you can have fish, and that can be taken up at a later hearing, so our concern now is, how can we develop the Kern River to recreational potential? Not how can we maintain fish life at this point?

MR. McFARLAND: Well, gentlemen, I would say if we had some nice _____ down here and we had some water in the river so the people could go there and swim, wade, picnic, they could have a wonderful place. This dam is only about 40 minutes time from the center of Bakersfield. You take the workers who live in this community, make their living, pay their taxes, they can't fly to Idaho or down to La Paz down on the Gulf of California for recreation over the week end, but they can go up there with their family. In 40 minutes they can be up at this place. Right above _____, there is a beautiful area known as _____ Hot Springs, where all of you gentlemen have been. It used to be the palatial hang-out for politicians some 30 years ago when we used to have to go up by the _____, the old road. That place up there could be very beautiful. There are more fish, more places to have campgrounds. They could stay overnight -- the week end.

CHAIRMAN CASEY: Mr. McFarland, could you bring out to the attention of the Committee -- Mr. Edmonds has already pointed out that what we need is an adequate flow of water in the Kern River, now can you bring to the attention of the Committee some areas that have been deprived of water and some of the attendant problems as a result of that?

MR. McFARLAND: Well, as I see it, the entire problem -- here's

Democrat Dam. The same one during the dry area you speak of. Here is the big pool. It would be 30 or 40 feet deep when that water is boiling down because _____.

_____. This is the intake up here. Well there's another of the same one. It doesn't show the intake, but that's right up here at the top it's where the intake goes to that big beautiful flume that I showed you a while ago. I took this picture for two reasons, gentlemen. _____ a big hole above Democrat. I particularly want to call your attention to this. I took a bottle of this home. That is the pollution that's in the river now from time to time that you will find. There is no trout in the world that could live that would get that stuff in his craw. There is no bugs around in that stuff or anything else. This is pollution that's in the Kern River at Mr. Edmonds referred to and the gentlemen over here questioned him about.

CHAIRMAN CASEY: Well, what is the cause of the pollution.

MR. McFARLAND: I really couldn't say. I took a bottle of this home and when I got home this _____ had all settled --- all kinds of little green, it looked like _____. What it was, I don't know. There also appeared to be a little milky oily substance and what it is, I have no idea.

ASSEM. MEYERS: Just very quickly sir. Did you say that you noticed that there was pollution, but yet you haven't determined where it came from or what it is from. Have you -- you gentlemen have studied the problem for a long period of time and you have got a very responsible group of persons. Has any effort been made through Fish and Game or through other interested persons as to what type of pollution you have. Maybe you don't even have a pollution problem. I mean you are making a statement here there is a pollution problem, but before you make the statement, you should be certain it is a pollution problem.

MR. McFARLAND: Well, gentlemen, that's what I took these pictures

for. They say one picture is worth 10,000 words. This picture proves that my contention -- that's something is happening to fish life in this area.

ASSEM. MEYERS: Well, then I think it would be to a degree -- in view of your great interest to try to determine what the source and cause of the problem is. Now, if you haven't done so, I would at this time suggest that you do so, then advise this Committee by -- in writing as to what your conclusions are.

MR. McFARLAND: Well, I would be very happy to cooperate with the Committee -- take them up there and show them where I got it -----.

ASSEM. GRANT: Well, Mr. Chairman, may I suggest that if it is a question of pollution this would not be the Committee that should be addressed. ^{If it's} ~~If it's~~ a Fish and Game problem this is not the Committee that should be addressed.

ASSEM. MEYERS: Whatever you want as long as come Committee gets information. But Assemblyman Bill Grant, as you know, our Committee has a problem on water pollution, and we have had extensive hearings throughout the State, and of course, anything pertaining to Fish and Game should go to the Fish and Game Committee, but if it's other than Fish and Game, it's industrial or otherwise, then this Committee should have the information. That's the only reason why I raised the question. I have tried to respect very carefully the suggestion of the Committee Chairman in regard to it.

CHAIRMAN CASE: Continue, Mr. McFarland.

MR. McFARLAND: This is one of the most beautiful pictures. It isn't very clear. Here we have the _____ going West to Bakersfield. This is Miracle Campground, formerly called _____. There are many camps in there. Over here you have the full flow of the river. This is about half a mile below the outlets in the Burrell powerhouse. You have the full flow of the river from this point down to the dam that I showed you on the Democrat Hot Springs. People camp there all through the year.

old People up there enjoy the Hot Springs in the summer. People get well from going there and have a wonderful time. This is the main dam at Isabella. You gentlemen saw this picture when you were up around the Lake. This was taken when there was 29,000 a.f. approximately in the dam. ~~THIS~~ Here is where the dam was about here when we had 420,000 a.f. in it. Here is the spillway over here where it goes over right at this point. This is the gate here and the spillway. You have 570,000 a.f. when it gets up to here. Here is where they let the water out for irrigation to _____ the dam whenever the people that have the water rights wish to take water out of the Lake. Here is the spillway on the lower side of the dam. That is approximately, I would say -- I have never been up to it, but I would say it's about between 15 and 20 feet. Mr. _____ could tell you the exact size if he is still here. There is very little water you can see coming through there. Just a mere trickle. Probably not more than necessary for a good fish ladder. This is the main stream of the Kern River. This house here is put on the other side where it comes out and they control the water for this area here. I was up there the other day and the water was just boiling out of that area. There must have been 25 people fishing in that same hole I showed you. They were catching little bluegills and the croppie about like that. One fellow had some other fish there, but he was hiding it. I didn't ask him what it was. *But that is what the condition is* Now from back here, you are looking down at the main dam. Here is the _____ dam and here is the main dam. This is amount of water with 29,000 a.f. of water in it. This area I traveled over ^{in my} boat when there would be 15 to 20 to 30 feet of water in various places. I saw all kinds of bass right over this area ^{* croppie, bluegill & catfish} *caught*

ASSEM. MEYERS. Mr. Chairman, the point has been raised before that this Committee is naturally concerned on the recreational facilities, but this gentlemen keeps going back to fishing. Actually, the fish is not before our Committee. We have a special Committee on Fish and Game, and

I would suggest that he follow the purpose of the Committee, because we are going to be in dutch with the other Committee if we keep taking testimony pertaining to Fish and Game. It is strictly on recreational facilities.

MR. McFARLAND: Here is our beautiful Lake. Here is the main dam above the Lake. Here is the fish ladder. Of course, when you have a dam like that you can't have any recreation in the Lake. This is the entrance to the flume to Burrell. If we put the 110,000 a.f. of water in the Lake, you will find that this section of flume will be obsolete. Then more fresh water will be in the Lake and we will have good recreation. Here is another good recreation point. Here is our fish ladder. This is all the water that has gone into the Lake for practically the greatest part of the last two years. That's why we have no recreation up there, gentlemen. We have several campgrounds and nobody in them, because of the fact that there is no water in the Lake. You can't catch any fish. There is croppie in the lake -- full-grown croppie that was that long. _____ That's why the croppie is so big. This is what you have to see now that the flume in the area up here _____ going into the flume. Then it would go into the Lake and then we would have more recreation. _____ flume _____ and when we have _____ and have lots of recreation, gentlemen, the water is clear over these trees. Here is the old entrance to Burrell Flume when they took out Friskie Flat at Kernville. To provide recreation for the people we are building this Lake which 30,000 a.f. for recreation purposes. I caught all kinds of fish up there when I was up there having a lot of good recreation. Here is a mound of sand that somebody _____ to take out of the Kern River so they can keep the water in there to prevent _____ in your recreation. We can't have recreation if we don't have water in the Lake. Here is one of the most beautiful recreation spots in California -- the main bridge of Kernville.

_____ has a place right here and he says that you could go out there and any of his people who can catch fish right any time right out of this river and this point with a fly. He will take you out and show you he can do it.

Here is the bone of contention. We will never have any recreation as long as they dry the river up from here to Road's End.-- 17 miles, gentlemen. To make a good point about recreation, now, there was a big -- I was coming down there after catching a lot of fish -- and there was only one camp that I could get in.-- Limestone Creek Camp -- and I tried to get in there and I couldn't make it over the weekend. There are about ten Forest camps between this point and 17 miles up. As I came down on Monday, there was a big car sitting there with four children that came clear from San Diego for recreation. They had been sitting ~~thunx~~ in the car, fanning themselves -- temperature over 100 degrees. The man that is driving the car standing there, his hands on his hips. I stopped and said, "What is the matter, friend, are you having trouble?" He said, "Where is the Kern River? I came all the way from San Diego with a brochure that was given by the Kern County Board of Trade to San Diego." For recreation, gentlemen. ~~XXXX~~ Well, I said, "Friend, you are looking right at Kern River." There wasn't hardly enough water in that Kern River to wash your feet. At that point we have no recreation in this area. And that is what I am trying to bring back to these people. These people that come from Los Angeles -- we have 75% that come up here to enjoy these facilities that we practically are paying for in Kern County. We are glad to have them. We want to help them help us. We need some help from Los Angeles. 75% of them are from Southern California that enjoy these facilities. Gentlemen, here is Corral--

GRANT: Is that question of water under consideration now by various authorities which are trying to determine if proper distribution of water to take care of these problems _____?

CASEY: The statement was that the whole -- the question of the flow

of water in the river is now under consideration and study, and Mr. McFarland is merely bringing to our attention the situation which prevails without an adequate flow of water. So I think if he runs through these quickly and show the situations -- Just a moment, Mr. McFarland. I have a question, Mr. McFarland.

KILPATRICK: I would like to ask if you were to ^{correct (?)} quote the situation or if we were or any authority is to correct the situation as you present the problem, would that interfere with the development of power?

MCFARLAND: I would say this in answer as brief as I can. It won't take long. There are four power plants on the Kern River. They produce, as I understand it, about 75,000 k.w. app capacity (?) It will shut them down on dry years about -- perhaps a month or two months. I maintain, under the laws, we people are entitled under the Federal statutes to a certain amount of water prior to any dam or diversion being put in by any power company. That is basic. That is the U.S. Code that I am speaking about, Title 16, Section 661 and so forth. 662 is very specific about that.

KILPATRICK: The reason I asked you this question is that we in the south are heavy users of electricity. We have need for recreation. We have need for light, heat and power, and one seems to be in competition with the other, so I am trying to give evaluation to the complete situation from the standpoint of our needs south.

MCFARLAND: Mr. Kilpatrick we have a beautiful plant _____ that produces a little under 200,000 k.w. We have oil and gas coming out of our ears -- cheap power and gas. We don't know what to do with it. We have enormous amounts of atomic power. This 200 k.w. plant _____ is one of the most beautiful plants you have ever seen. But it is a small plant. We have them that go over 1,000 k.w. -- up to 1200 in the State. We are only going to take a minimum amount of water, maybe ^{plants down} we will shut these/ on an extreme dry year for a month or two. We

maintain that we are entitled to enough water to keep those fish alive.
 flowing (?)
 Because spunking water and recreation are more important to people of
 America today than the little bit of power that they would lose by
 shutting those plants down such is necessary for a month or two.

CASEY: Gentlemen, couldn't we get away from this power question
 and get back to the Kern River here? We are running awfully short of
 time.

McFARLAND: I'll try to do that. This is a picture shown above
 the other, showing how they dried the creek up when they took the water
 out. So far Mr. Ball has never been able to give me an answer as to what
 authority that dam was erected or by whom. Mr. Edmonds, Past President
 Kern County Fish and Game, Mr. _____ looking at Salmon fish Creek.
 No water, gentlemen. _____ Here is where the water goes to Salmon
 Creek. ^{That is two} 3 feet in diameter. There is a gooseneck here that you can see,
 a little pipe, four inches, that is all the water that is flowing into
 Salmon Creek. _____ stream
 in California. Here is the intake. This is a stream, a fishing stream,
 where we go when we want to catch some nice fish. It goes way back up
 to the mountains, up where they have been logging it off over. One of
 the finest spawning and fishing streams, small ones, there is in California,
 just above the intake.

Here is the dam _____ end of the Kern River. From this area
 you get into the wilderness area, you can drive (?) right here _____
 the amount of water that is coming through here, the rest of it is going
 into the flume. This is the Kern River below the dam, water seeping
 through _____, now you are getting up
 into the back country. A beautiful stream. You catch fish every place
 up there, *If you are a good fisherman.* ~~It is good fishing~~ Limestone Camp is right down here, the
 last camp on the Kern. Here is what I have enjoyed doing more than anything
 else. Here is a little girl that I took fishing. That is her first wild

trout. Gentlemen, when you let a little child catch a wild trout you have done something that will stay with them all of their lives. I caught one young one when I was a little boy five years old. I have been catching them. I have caught hundreds of them ever since. I would just as soon lose them as catch them _____. One more picture.

I understand the statement has been made here by the police department and sheriff's department: you very seldom find that children that enjoy things like this little girl is enjoying, become juvenile delinquents. Here is the fish I wanted to show you. That is my boy. He caught that fish -- six pounds and over -- no _____ there. Lots of _____ here. Compare that fish with his arm. It took him fifteen minutes to get that fish off, gentlemen. He's working with the _____, _____ and he said, "Take it, Dad." I said, "You get it or lose it. I've caught hundreds of them." _____ minutes he caught that fish, dropped off the net. I put the net under it. That fish _____ once but several times, runs from 100 to 150 feet, with his winding on the reel. I think that concludes, gentlemen. I want to thank you _____. I hope I have not _____ helping me, and I wouldn't say anything or do anything to be discourteous to him.

CASEY: No, you have been very cooperative, Mr. McFarland, and I think that you and Mr. Edmonds have made your point to the committee very well, that if we are going to develop this Kern River we need water, and in order to develop that water we need the cooperation of the power companies.

McFARLAND: We can get it. But the main thing that we ~~shx~~ have to consider, which is the most valuable to the people, the falling water or releasing those power plants that make such a small amount for one or two months during an extremely dry year.

CASEY: That will be a matter to present to the ^{Federal} Power Commission.

Thank you, Mr. McFarland.

McFARLAND: I want to thank all of you, and hope some day that you can go up there and enjoy the fishing.

KILPATRICK: I wonder if we can have an appraisal of how much testimony -- how many subjects we have to cover yet and how much testimony we are likely to listen to in consideration of the time that the clock says five minutes after four.

CASEY: We have two items on the agenda. One is Highway 178 and the other is the question of the scenic highway from Kernville through to Sequoia.

KILPATRICK: Would it not be worthwhile to apportion a certain given amount of time to each subject so that we can ~~fix~~ finish up. We don't want to cut people in the middle of their testimony, but they ought to be informed in advance how much time they can have.

CASEY: Right, Mr. Kilpatrick. And we will take up the question of Highway 178 right at this point. Our first witness is -- where is Mr. Bill Welch. Is he still with us?

KILPATRICK: How much time is he going to get?

CASEY: How much time will you need, Bill on this?

BILL WELCH: It will take me about two minutes.

CASEY: About two minutes. Fine

WELCH: Mr. Chairman; members of the committee. My name is W.L. Welch. I am District Engineer for the Division of Highways with headquarters in Fresno. Mr. Womack has asked Mr. Johnny ~~ENGINEER~~ Legarra, our Deputy Engineer in charge of planning to render what assistance he can to the committee. Mr. Legarra is here. The subject before the house as I understand it, is the prospects for the early improvement of the Kern River Highway, State Route 178. The general area is shown on the map to your left, the existing route in green, route adopted by the California

Highway Commission last year in blue. It begins at a point 1.4 miles east of Morning Drive, approximately 8 miles east of right where we are sitting. Ends near the dam at Lake Isabella, a total distance of 35.7 miles. The estimated cost of construction is \$32,516,000. Right of way will cost \$765,000. We have designed mapping throughout. We are actively engaged in designing a project between Democrat Springs and the Dam at Lake Isabella, a total distance of some 14 miles. Its estimated cost is of \$15,200,000. If the money were to be made available, we would be in a position to go to contract sometime next spring. If there is no further information I can give the committee, that concludes my presentation, Mr. Chairman.

KILPATRICK: Mr. Chairman, what overall period do you estimate of completing a highway to Lake Isabella?

WELCH: Our present planning program only goes to 1971. In that planning program, we have the rights of way only. I couldn't give you any better estimate than a guess as to when we would get to it. That guess would be not sooner than 15 years.

KILPATRICK: Will they have to wait till the highway is completed clear through to the lake before we can use any part of it?

WELCH: No, sir. The project of which I spoke, from Democrat Springs to the dam at Isabella has a connection to the old road at Democrat Springs. So that when half of it is completed, that half would be usable.

WILLIAMSON: Mr. Welch, you said that if the money were to be made available, you would be ready to let a contract when?

WELCH: I would say March or April of next year.

WILLIAMSON: This money that you are talking about ^{would be} ~~the~~ construction money, not for the purpose of acquiring rights of way?

WELCH: That is correct.

WILLIAMSON: So you, in making that statement, you are assuming that

right of way money would be available prior to that time?

WELCH: I am assuming that we have it right now.

WILLIAMSON: Do we have it right now?

WELCH: We do not, sir, no.

WILLIAMSON: Are there any possible sources for this money that you can see?

WELCH: None that I know of. It may be available from the contingency fund for the southern counties, but the last time I tried to tap it I was not too successful.

WILLIAMSON: I see. And I assume that this -- they are attempting to tap it, this particular highway would be in competition with other people who are attempting to tap it for other purposes. Is that correct?

WELCH: That is correct, Mr. Williamson.

WILLIAMSON: So we would then be in -- would have to be able to justify acquiring this right of way on some basis, I would assume.

WELCH: You are right. It is my opinion ^{for early construction} that you would have to present a better case, traffic wise, as far as I am concerned ^{for the Kern} River Canyon than for other badly needed projects in thirteen other southern counties.

KILPATRICK: Mr. Cahirman, if we would be able to get a reapportionment of the highway fund on the basis of the contributions to the fund, say up to 65 or 62 - 65%, that would help, wouldn't it?

WELCH: I am going to duck that one, if I may. It would undoubtedly help.

KILPATRICK: That takes you before the state right now in reapportionment of the state --

WELCH: -- up north, and I have some northern counties, too.

WILLIAMSON: I wanted to ask one more question, and that is, up to now, you have indicated that there isn't even much chance apparently of

getting money for the purpose of acquiring rights of way, and as I understand what you said, the construction money would certainly not be available until the rights of way had been acquired. Or could these be accomplished at the same time?

WELCH: They could be accomplished at the same time, but I don't see that there would be much point in it, in that you would simply have the money tied up until you did have the right of way acquired.

WILLIAMSON: I see.

WELCH: Am I making myself clear?

WILLIAMSON: Well, yes and no. Even if -- if the money were not available for the acquisition of rights of way from these contingent funds that you mention, what would be the next possible source of funds for the acquisition of rights of way?

WELCH: I would suggest that you consider getting them budgeted in the regular budgetary procedure of the Commission.

WILLIAMSON: This would be out of the regular allocation of funds to the county on the basis of registration of vehicles. Is this it?

WILLIAMSON: WELCH: That is correct.

WILLIAMSON: In other words, out of the same source of funds, that the construction funds would eventually come from?

WELCH: That is right, Mr. Williamson.

WILLIAMSON: O.K. If we had -- say we were fortunate enough to get the right of way funds from this contingent fund that you mention, when would you anticipate that the first funds would be available for construction for this contract that you say you would be ready to let next year?

WELCH: My answer would have to be the same, if I understand your question. I don't personally see that advancing the purchase of this rights of way would in any way advance the priority of the project for

construction. Is that the question you are asking?

WILLIAMSON: Well, yes.

WELCH: That would be my answer.

WILLIAMSON: We might possibly -- it might conceivably be that we could acquire the rights of way, but this would not necessarily enhance the or move the day for construction ahead.

WELCH: Not in my opinion. It is highly speculative, but we have had depressions, if I may use the word, in which Uncle Sam has volunteered to help. Sometimes it has been of benefit to District Engineers, State Highway Department and to the traveling public to have rights of way acquired so that you could put these federal funds, if they are offered, immediately to use. The problem in the whole thing is will there or will there not be federal funds?

WILLIAMSON: In any event, then, the funds would be available for the construction of this would be on the priority basis within Kern -- would be available on a priority basis within Kern County, is this correct?

N WELCH: Not necessarily. Really within the thirteen southern counties, when the pie is finally sliced, Mr. Williamson. Because the allocations to Kern County are a relative proportion of the deficiencies of all of the thirteen southern counties.

KILPATRICK: Well, now, the money at the present time is being divided on the basis of 55-45, isn't that right? 45 north, 55 south?

WELCH: That's right.

KILPATRICK: And about 65% of the money comes from the south, and if we could just get back what we put in, we could move ahead on this highway. Isn't that right? We have to get some votes in the State Senate in order to do that. The only way you are going to get those is to add some more Senators from the South. Is it difficult?

CASEY: The question of reapportionment is not before this committee.

WELCH: --- before this committee, Mr. Chairman. Mr. Grant.

GRANT: Aren't you working on certain portions of the road now?

Certain portions of this road that we have under -- ?

WELCH: The existing road, sir?

GRANT: Yes.

WELCH: Only under maintenance.

GRANT: Pardon?

WELCH: Only maintenance operations. There is no improvement or betterment of any kind.

GRANT: On this new project that you have outlined, none at all?

WELCH: No, sir.

GRANT: These are roads that are being worked on up there now are apparently merely -- well, ^{there} are changing in the roadbeds.

WELCH: Well, perhaps you refer to the county's project which is under EHX construction around _____.

GRANT: That is a county project and not a state.

WELCH: Yes, sir. That is not a part of this work.

GRANT: Oh, I see. Yes, I have wondered about that. I wondered whether it was state. Well, if you want away to wait fifteen years, why, that is a long time. That is all I can say. I don't think I would wait.

WELCH: I would have to agree.

WILLIAMSON: Mr. Chairman, I am not quite convinced that we want to wait fifteen years. I would like to figure out another way if we can't find it here. There are funds that are available for construction in Kern County beginning July 1st. Is this correct.

WELCH: Yes, sir.

WILLIAMSON: Now what are these going to be used for?

WELCH: Speaking from -- I won't have to speak from _____.

WELCH: The funds which would be available to Kern County in the 62-63 fiscal year, that was the year I believe you referred to, Mr. Williamson.

WILLIAMSON: This was the first one that I am going to ask about.

WELCH: Right. Some of them have already been obligated. The construction on Nile Street between Williams and Morning Drive is now underway, at an approximate cost of \$750,000, and these figures are approximate, and I hope you will let me correct them if you intend to use them. Next month we will _____ contract, costing somewhere on the order of \$380,000 for the conversion of Niles and Monterey Streets to ^aone-way couplet (?) In July, pardon me, in September, there will be a \$5,700,000 contract advertised for work on U.S. 99 --

WILLIAMSON: What was that, five million -- ?

WELCH: \$5,700,000 is the present estimate for work on U.S. 99 between Nicolas Spur and Cowles to convert that section to full freeway. There is a \$98,000 job under way in Buttonwillow, at the present time, which is financed out of the 62-63 fiscal year. With the exception of rights of way, that completes our construction program.

WILLIAMSON: And this uses all the funds that can be allocated to Kern County during this year.

WELCH: No, sir. There is approximately \$3,400,000 for rights of way on the freeway through northeast Bakersfield.

WILLIAMSON: Three million, how many thousand?

WELCH: 950 is my recollection.

WILLIAMSON: I see. Well, we could go down ~~hazz~~ year by year. When is the first year in your projection, that you have funds allocated for this particular project?

WELCH: We have the rights of way programmed in 66-67, I hope. Let me check. I'm sorry, it is 67-68. All of the right of way in the amount

of \$612,000 is programmed for that year.

WILLIAMSON: And the first construction money.

WELCH: It is not in this program.

WILLIAMSON: And the program goes how far in the future?

WELCH: To 1971, sir.

WILLIAMSON: In other words, up to 1971 there is nothing programmed at all for construction of this highway?? ?

WELCH: That is correct.

WILLIAMSON: And in your view, ~~nonetheless~~ though this money is all that we are entitled to is being used for projects that are higher priority than this one is in the county. Could you furnish us with a list of these projects up to that time?

WELCH: In detail?

WILLIAMSON: Yes, Not now. Sometime in the future, so we could have them for future reference.

WELCH: I may have that information with me, if I didn't forget to pick it up. Within this present figure E planning curve (???) '63 to '71, the projects which would have to be delayed, if the Kern River were ~~had~~ to be started, would involve work on U.S. 99 from Route 238 near Wheeler Bridge to a junction with the new construction now under way west of Bakersfield at a point 2.8 miles south of McKittrick Road. Second project would have to be postponed would be further work on the U.S. 99 between *Cavello* and Famosa , converting that section to a full freeway. U.S. 99 between Famosa and McFarland, converted to a full freeway. State Sign Route 178, which is the freeway through Northeast Bakersfield, between M Street and Mt. Vernon Avenue. The extension of that same sign route from Mt. Vernon Avenue to the existing route shown at the left edge of the map near the Alfred Harrow Highway. Conversion of 23rd and 24th Streets in

Bakersfield to one-way carriers. That work would be between M Street in Bakersfield and the new freeway now under construction west of Oak Street. U.S. 466, Brundage Lane Freeway, and if I may I am going to lump these, Mr. Williamson, if you want them individually you can have them.

CASEY: May I interrupt a minute, Bill? In your time schedule, wasn't the area from Democrat to Bodfish, wasn't that a part of the first priority in the construction of this 178? Our concern is with the Kern Canyon area, and access to the Lake Isabella and Kernville areas, and so I understood that what we were concerned with here was the time schedule for this development through the canyon, instead of the development of this whole highway system in the county, which we could take up at a later date and a different hearing.

WILLIAMSON: Mr. Chairman, Mr. Welch is answering a question that I directed to him there as to which projects within the county would have to be delayed if this fifteen year ahead schedule for this project were advanced. This is _____, so I would like to have the answer to it, if I may, if it isn't too lengthy.

CASEY: Well, all right, Bill, if you can sort of --

WELCH: There are very few left, Mr. Chairman, if that is a point of interest to you. Lumping these last three projects, Mr. Williamson, work done, U.S. 466 between Muller Drive, the recently completed work down the mountain east of Bakersfield to the new freeway west of Bakersfield, that concludes the list that would have to be deferred if this work were --

WILLIAMSON: In other words, in order to advance this schedule on the construction schedule on this ahead of the 1971 beginning date, some or -- well, some of these projects, at least one or two of them would have to be delayed.

WELCH: All of them, *to my knowledge* delayed. I see.

WILLIAMSON: All of them would have to be

WELCH: Yes, sir.

WILLIAMSON: And do you have -- how do you base your priority, do the local people have anything to do with ~~in~~ determining the priority of construction of these things?

WELCH: That is a loaded question, Mr. Chairman. Do I have to answer it?

WILLIAMSON: I intended that.

WELCH: To a minor extent, to give you an honest answer, what I consider one. We attempt to establish these priorities in the order of traffic demands, giving due consideration to accident records of the existing highway. They are influenced to some extent by local choices, perhaps. Two projects being approximately equal, under our standards we would naturally build ^{the} a job that ~~would~~ the local citizens want. But in my opinion the priorities, and we defend them pretty strongly, are pretty much a matter of engineering judgment.

WILLIAMSON: I see. Well, ⁱⁿ ~~than~~ your engineering judgment, do you take into consideration the fact that this road that we are talking about here is so sub-standard that a traffic count on it, for example, might not be as easily related to a traffic count on 99 Highway, which is presently being used and accepted as being an adequate. Did you take these things into consideration? Or do you just base them strictly on a traffic count?

WELCH: We try to project the traffic and we have what we think are relatively firm grounds for those projections. In other words, you establish a trend over the year, project that trend into the future, taking into consideration whether the trend is straight or on an upward curve, or downward curve. I think your question, if I am not anticipating it, is would there not be more traffic on this road if it were improved?

WILLIAMSON: Yes, this is --

WELCH: We have tried to take that into consideration. Perhaps we

haven't done so accurately.

WILLIAMSON: I meant it wouldn't be an easy thing to determine.

WELCH: It is a pretty rough go.

WILLIAMSON: At least you have considered it.

WELCH: Yes, sir.

(Quite a space on the belt -- I don't know whether anything is actually missing or not - NLG)

CASEY: Thank you, Mr. Welch. I think that presents one facet of this picture. Now, Mr. Salzer, I think you have a concern in this Highway 178?

CHARLES P. SALZER: Mr. Chairman, and honorable members of the committee, my name is Charles P. Salzer, a member of the Kern County Board of Supervisors and a representative of that august body here today. Chairman Jack, I intended to say quite a few things extemporaneously on the various subjects that are related, but in the essence of time and deferring here to a lot of other people who have some things to present to you, I am going to make this as short as possible. Firstly, I would like to read a resolution that was passed by our Board of Supervisors pertaining to Highway 178 to Lake Isabella. ^(RESOLUTION) ^{is re: State Highway Route 178} This board has advised the Highway Commission of the State of California ^{has} approved a new route for the Kern Canyon Road, State Highway Route 178, and will soon be considering the appropriation of necessary funds to construct said new route, and

This board is of a sincere opinion that it is absolutely essential for the public welfare that said funds be appropriated for said new route and said new route be constructed as soon as possible, and (see resolution)

(after resolution read):

Gentlemen, I know that some of you are familiar with the conditions of that road, and where the Division of Highways and the Highway Commission will be the final authority on it, but I do know you gentlemen from your

position here can be of aid and assistance, and be assured that the people not only of this county, but your board of supervisors and all the 85% of the users of the are from Southern California will certainly appreciate any effort you can put forth.

. Now, Mr. Chairman, if I may digress and get back to the Lake Isabella, the lake proper, I would like to make another presentation here. (He reads from Resolution re: Isabella Dam, starting at Paragraph (b)). (after resolution read):

Gentlemen, this means one thing. Not only is the State of California a partner of the County of Kern, as well as the United States through the Corps of Engineers. It is reasonable to assume that the Corps of Engineers is going to assist somewhat in the recreational nature here of monies very shortly. We have made that request and there is some available. I have reason to believe we will be successful in our request. I think you are probably aware here that I was a member of a committee that was in Washington less than thirty days ago, making appeals for certain things. Fortunately, through the good offices of Congressman Hagen, Senators Engle and Kuchel, we were able to get an appropriation through the Senate Public Works Committee for an order and monies for the Corps of Engineers to proceed with the study up there of the possibility of increasing the reservoir area. This thing -- it means we are in partnership here. It is going to take cooperation of all federal, state and local agencies here to develop this to its fullest extent. The use of the Lake Isabella area is in excess of 85% without this county. Consequently we need plenty of assistance from elsewhere. Our taxpayers in this county have gone along with our board and in going forth and developing this. But I mean there is a limit to what we as one county can do, and we need all the assistance and cooperation we can get.

Thanks kindly for being able to appear before you, Jack, and members

of your committee, and if there are any questions, I will be very happy to answer them to the best of my ability.

CASEY: Do we have any questions of Mr. Salzer? Charlie, I think I can say that in these last two days that the members of this committee have become well aware of the problems of Kern County, and the intense interest that we have in solving these problems. And I can assure you, and I hope you carry this back to the Board of Supervisors, that you will have a great deal of cooperation in the State Legislature to help solve these problems in Kern County.

SALZER: CHAIRMAN Jack, I appreciate your statement. I know that ^{not only} will happen from you and John Williamson, as well as the rest of your ^{wi} associates in the Assembly, as well as Senator Stiern and his associates in the Senate. We do appreciate your interest and your activity in the general behalf of the general public. Again let me say I could talk extensively on this thing, but to get along and let other people appear, I will be very happy to close. Thanks again.

CASEY: Thank you, Charlie. All right. Now, Jack, do you have a short statement?

JACK HEIM: Mr. Chairman and members of the committee, I'm Jack Heims, President of the Kern River Fish and Game Association. Everything pertaining to these many resolutions that I have here has been covered by other organizations, so I will keep ~~my~~ this very short and will concur with the Forestry as ^{to} for the proposed Domeland, also with the Board of Supervisors and the Isabella Chamber of Commerce pertaining to the 110,000 a.f. recreational pool in Lake Isabella, and the limit of ten year contract to the Edison Company. Our good forester, Eldon Ball, has taken care of the little four mile stretch that we were asking about across the Western Divide. I understand that will be taken care of. I only see one small paragraph in here that no one has covered, that the Kern River

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Fish and Game Association go on record asking that additional off-road parking between Kernville and Johnsondale -- that road is very narrow up through there, and there is very little off-road parking. I don't know where the money will come from, whether it will come from -- I know it won't come from perhaps Tulare County, but there might be some excess road money in the Department of Fish and Game. There was a little confusion here a moment ago. For one minute I would like to clear up a question. I see your man who was interested in the river has left, but I would like to ask Rusty Kates to answer one question, if he may yield a couple of minutes. Rusty Kates, Corps of Engineers.

KATES: I introduced myself this morning, so ~~forthwith~~ we will dispense with that.

HEIM: It is in regard to the poisoning of the water at Berrell Canal. I was there and I didn't see the number of fish that were fed that died. Is that right?

CASEY: You will have to introduce yourself again, Mr. Kates.

KATES: My name is Harold Kates, I am employed by the Corps of Engineers as Superintendent of Isabella Reservoir. The incident that Mr. Heim refers to, I believe refers to two or three instances of what was claimed earlier today of heavy losses of fish and they simply did not occur. The one instance of the Berrell Canal -- he called it Berrell Canal drying up -- and it wasn't that at all, and I won't go into detail on it and take up the time, but there was a slight loss of fish and quite a large rescue operation. Most -- practically all of the fish were rescued. On this bluestone treatment of the Berrell Canal, I was there merely as an observer, since it was outside the reservoir area, and that was carried on by the Edison Company in close cooperation with the Department of Fish and Game -- there were many Department of Fish and Game employees present. I might add that before the amount

of bluestone or copper sulphite, before it was added to the canal, there were test runs at the fish hatchery to make sure of the tolerance of the fish to this copper sulphate, and ^athere was ~~light~~ loss of fish that I observed. However, there are some Fish and Game employees present who were there at that time who could probably answer that. Does that take care of it, Jack?

HEIM:

HEIMY: Thank you, Mr. Kates. Mr. Chairman and members of the committee, on behalf of the Kern River Fish and Game Association, I do want to thank the committee for taking out your busy schedule, coming down and listening to our problems. I am sure that you will act in the favor of the majority.

Josh

CASEY: Thank you, Mr. Heim. Mr. Clark, ~~HEIM~~ Clark, would you --?

JOSH CLARK: Thanks a lot, Mr. Chairman. My name is Josh Clark, Bakersfield the last fifty years, up and down this river. I just want to -- by the way, I am chairman of the Cross-country Highway Committee -- have been for the last twenty years. Been this road for years and years, and we got through all fall. Now, that road is all established because we started on this thing about twenty-four years ago, and it goes from Pueblo, Arizona to the coast, straight across, right across country through Bakersfield here. You have two whole blocks in ~~xxxxx~~, one at Corona, California, and the other one here in Bakersfield, most of ~~xxxx~~ in Kern County, one on the west side here, from here to the coast. We have expended through the different states some \$15, \$18 million dollars, and quite a bit of the road completed, Pueblo, Arizona, including Los Vegas and all .

^{we are} Just on the wind-up here with this particular district, located right here, particularly ^{through} Kern River Canyon, and while it has been a bugabear , but I think the Commission through Bill Welch and the rest of the boys, that we can work out something here, and I

expect to travel this road sometime yet, and I don't intend to quit right now. I think it is possible with the cooperation of everybody here, of all the boys, ~~across~~ across the State, you know, we are not alone here. You people here -- the ones from Los Angeles, you have been given every-^{anytime} thing in Los Angeles for years and years, and ~~anything~~ you wanted anything, why they would take it off from Kern County, _____ in the Valley, give it to somebody else. Little thing like the tunnel proposition, we worked on this tunnel proposition and finally got headed off on that a little bit, temporarily, because we know that a road has got to be provided. You can't run about four or five major highways into one little ribbon down here on the Ridge Route, and ~~you try to~~ get by. You are going to kill people faster than you kill them in the Army. I think that the resolution we introduced here, coming from Harlan Hagen, and these fellows will bring reality into not too long a distance, because you fellows have got to have some way to get out of this bottleneck X over here in Los Angeles, and we are the only way they can come through here. The tunnel proposition, we spotted that a good many years ago. It is, I think, coming to reality sooner than most of them think, and I realize ^{that} ~~and~~ the Highways in Arizona agree with us and have been in favor. We figured under the _____ and over the _____ and all around, and we got it over _____ distance, but we still have a bottleneck up there, _____ to the Ridge Route, and you are going to kill people faster than flies. If you have to have a _____ emergency _____. You are too big in Los Angeles. _____ here is the only way you can go, here and west. This is a main road west, and I do want to insist that you fellows _____ this road going west, because this is one of the biggest outlets in Kern County other than the Ridge Route, is the one to the coast. It is only a short distance from the coast, and easy traffic. Ben Welch and I have

been over there two or three times night and day. He says it is a little crooked over there, but we don't _____, _____ straightened out, _____ all together.

Therefore, gentlemen, I don't want to take any more of your time, _____ all kinds of recommendations, our Congressman Harlan Hagen, a fellow who has always been with us right straight through the years. I know that he has done all he can do, and he is doing all he can do ~~xxxx~~ and the local boys here, _____. Kern River is a big bottleneck from here on up. It is such _____ one of those things. _____ those fellows from Los Angeles don't think anything about going over there and _____

_____ \$15 or ~~xxx~~ \$20 million dollars a mile for some of those roads over there, and we are only asking for \$30 million for thirty miles. It can be accomplished, I know, with the cooperation you folks can give -- well, I know it will be done. Thanks a lot, gentlemen, for the time you have taken.

CASEY: Thank you, Mr. Clark. For the benefit of the committee, I would like to mention that Mr. Clark is known as Mr. Highway in Kern County. Now, gentlemen, we are running short of time again. I have a statement by Mr. Stetson, Is Mr. Stetson here? And if you don't mind, Mr. Stetson, if I just put this in the record.

STETSON: I would appreciate it if you would, sir, and will be happy to answer any questions.

CASEY: All right. Thank you, I think your statement is explicit and we will just -- (Voice in background -- cannot hear what he says) Fine, thank you. Now, is there anyone else here who has a prepared statement that ^{could} merely be presented to the committee for inclusion in the record?

(I think it is Mr. Graff) Mr. Chairman,
(VOICE IN BACKGROUND):

CASEY: Yes, Mr. Graff.

GRAFF: _____ Graff, Chairman of _____ Chapter, Sierra Club, I have a telegram from David Brower --

CASEY: Pardon me, do you want to come up to the microphone?

GRAFF: My name is Lamphorne Graff, and I am Chairman of the Kern-Kaweah Chapter of the Sierra Club, Kern-Kaweah Chapter is the Kern and Tulare Chapter of the Sierra Club, a 19,000-member-plus conservation organization in California. I have a telegram from Mr. Brower, who is unable to be here today, and I would like to enter that in the record, and that is all I ask for.

CASEY: All right. Thank you, Lanny. We will be very happy to put that in the record. You have a telegram you are going to submit to us? Fine. All right. Mr. Leber, you ~~just~~ wanted us to include this now in the record? Thank you.

All right. Do we have ~~any~~ other people who have prepared statements that they would like to include? Yes.

STEPHEN WARDWELL: My name is Stephen Wardwell, State Landscape Architect, ~~xxxxxx~~ State Division of Beaches and Parks. I have a statement that I would like to have included in the record.

CASEY: All right, fine, would you present it to the secretary? ^{Raymond} the ^{greater} I also have a statement here from C. Dexter ~~KUMER~~, President of/Bakersfield Chamber of Commerce, concerning their position on the Highway 178, and we will include that in the record. Now, Mr. Carver. Would you like to come forward and --

WILLIAM CARVER: Mr. Chairman, I don't have a prepared statement. My notice was too short. My ~~xx~~ name is William Carver, and I represent the Kern River Chamber of Commerce. I will refer to it hereafter as the Chamber. The Chamber retained me in January to make a water study of

the recreation water behind Isabella Reservoir. Shortly after I commenced my work, the effort you heard of today was made and increased from \$ 35,000 a.f. to 110,000 a.f. ^c Capacity behind the reservoir for recreation purposes. I found that it didn't make too much difference as to my study. At any rate, the first thing that I had to determine was, was the storage space behind the reservoir committed? Without going into detail, I found that that was answered in the affirmative. Shortly after that time, I received an announcement from the Water Rights Board of the State and referred it to the Chairman of the Water Committee of the Chamber. We conferred on the 19th day of this month, and they asked me to come here to speak along the lines of public interest in recreation, but as you know, many of the aspects that they referred to have been covered.

The one thing that I do not think that you have been made aware of is the fact that there will be a hearing in Bakersfield by the State Water Rights Board on May 3rd. It was this concern that the Chamber had and asked me to appear here and, as I said, I eliminated all the other subjects to apprise you of the fact that there is such a hearing.

As I understand the problem, the storage space for recreation, whether or not it is 35,000 or 110,000 a.f., the supply thereof will be the concern of local interests. The carry-over criteria that was mentioned earlier notwithstanding, witness the fact that the county is buying water for that recreation pool. The purpose in bringing this to your attention is due to the fact that the Chamber feels that this matter of the applications for unappropriated water is a part of your resources complex on the Kern River.

For a brief history of the application in point, which is application 5642, there are others, and there are many other considerations along the line with other applications, this is part of the old Figgensbaum?

Committee of 1927, where they went through the State and filed -- put it on ice, as it were -- I am cutting down a great number of references. At any rate, it was all done in accordance to the law then, and there were priorities preserved. The purpose in Kern County requesting this assignment and release was part of the coordinated State Water Plan. They made the application, that is the county, in August 1954. The Code sections changed after that, and instead of the Finance Department having it, it went over to the new Water Commission.

Now, there were certain requirements added after the county applied for the transfer and release of this 5642, which is a fair-sized amount of water, the purpose being to first charge the recreation pool and then keep it full. Those recreations would be changes and Section 10504.5 requires that if there is a change during interim that the entire application has to be modified and that sort of thing. Later I will point out that the Chamber, who is now coordinating with the county, largely to be of assistance, a point of the court, as it were, and we understand the county is going to appear and protect its position as to this application, so that we would like that the stricter requirement with regard to that be lessened as to the county. When we speak of the county, we merely speak of the Chamber as interested in assisting to the best of its ability.

As you know, from 54 to now, there were numerous delays, mainly that delay was caused by the agreement between the irrigation interests and the Bureau of Reclamation ^{on} the repayment costs of the Isabella Reservoir. For a while it looked as though that contract might come to a culmination, but apparently the Udall ruling of last December caused further delay.

At numerous times the county has tried to accelerate the consideration

of those applications, but they were unable to do so. The announcement I referred to from the Water Rights Board, the hearing which will be here May 3rd -- next week, in fact -- states that the purpose of the conference is to explore the views of all parties in regard to existence of unappropriated water, to exchange views, and so forth. Specifically, it has been alleged that there is little or no unappropriated water, that is, water not already claimed and used, other than existing rights of the applicants and others on the Kern River.

In the event the hearing would be heard by (?) the Board, it would be unlikely that the applicants could demonstrate the existence of sufficient unappropriated water to warrant the approval of any of the pending applications.

CASEY: Pardon me, Bill, is this strictly a State matter, this matter of unappropriated water that you are referring to?

CARVER: Yes, it does relate to the State Water Rights Board. Since we -- with the opinion that maybe ~~as~~ you would find it within your power and disposition to consider it as part of the resources complex of the river, that is the reason we are bringing it to your attention. We feel that the so-called jurisdictional ~~fact~~ fact that there is no surplus water -- if you can call it that -- is to be tempered, and I am cutting very short what I have here, with the consideration of public interest. If the board would like, I could reduce this to a statement later, as I said, I didn't have time, I had to hand write it. ^{Report} There are sufficient code sections, we believe, and much in the law to substantiate the situation that public interests, and I am talking about public interest/not the ethereal type that we have heard here today -- they may be more legal and solid interpretations of public interest, but when it comes to recreation and use of water, I don't think we

have reached quite that point, although it is our argument that the constitution and numerous sections of the Water Code, one last section and the Constitution, definitely state, that there is a mandate in addition to the so-called jurisdictional fact in the code section pertinent to the fact there is no unappropriated water, that the Water Rights Board should consider, along with these other things, this great public interest.

Now, the County of Kern has this interest and we feel that, together with the so-called mandatory or jurisdictional fact of the existence of unappropriated water, carries with it the fact that the public interest is involved here to the fullest extent, and I think you will agree without usurping the Water Rights Board's powers, and because it integrates with your resources complex on the Kern River, that that Board should use as a guide, its declared policy, both in the Constitution and in the pertinent Water Code sections, the consideration of the public interests. As I stated, I have quoted, all in my longhand account here, all of the sections, but a ^{very} short examination of the Code will show that this public interest does exist as a consideration to be taken by the Water Rights Board in deciding on applications. The particular section involved, says that it can reject an application ^{if it} ~~that~~ is not in the public interest. The obverse or the reverse is true. Probably the purpose of my appearing here is that the burden seems to be shifted to the applicant in the letter announcing this meeting before the Water Rights Board that it seems that the county, as it were, would have to carry the burden of making a complete stream study of 105 or more years' history. We don't think that is a fair interpretation, but assuming they did have to carry that burden as to determining the physical facts of the stream, where are the facts? Well, there are riparian and appropriate rights starting with the Bucks-Hagen agreement of 1886 or thereabouts, and all the

considerations of the changes since then in the use thereof. The immediate upstream lands now known as Hart (Park), it is believed have riparian rights. It is now a state park, and this of course would fall in your purview. There are appropriate rights behind the dam which we think should be explored that were established between 1861 and 1892 by the owners of some 27 ditches for the use of the lands now inundated behind the Isabella Reservoir. I have in my record, many letters that I have been receiving and sending since I started this study, and I find that the Water Rights Board states that they do not have a record of this and some of the other things.

As has been stated earlier, the county is the lessee of the lands behind the reservoir and the federal government is the lessor. As in Hart Park, they too are a lessee, and they have an interest in the use thereof.

Passing from there, what are the other further facts that would have to be determined? Well, there are a large number of applications on file unknown to the County of Kern. Through the Chamber, we are urging they consider this. The question of forfeiture of prior appropriation ^{that} ~~in~~ default in the use of riparian rights down the river, alienation by grant, and these problems of the analysis of stream discharge data, hydrographs or mass diagram, for a full determination of the flow and discharge and we are bound to determine the unusual or extraordinary floodwaters which do not constitute part of the ordinary flow and which may be appropriated, together with the records of annual rainfall. Much more of this information is peculiarly within the knowledge of other people.-- All of the types of the users I mentioned. Obviously, it would be unfair on the applicant to carry that burden. There is a section, 1251, that the --

CASEY: Bill, could you --

CARVER: I am almost -- could I finish? Just another word.

CASEY: All right, fine.

CARVER: This section, I believe, makes it mandatory for the Water Rights Board to make this study. In short, we go back to what has been said by other chamber members of moratorium and study. If it is within the power of this board, and it was so disposed, we would like you to consider together with your resources complex of the Kern River, the possibility of moratorium study in this matter. / We want to further thank you, and I am sorry that the matter was not reduced to a written statement.

CASEY: Bill, do you want to have that typed up and sent to the committee for the record?

CARVER: Yes, I will endeavor to have it done.

CASEY: All right. Thank you.

CARVER: But these remarks about moratorium and study are part of the chamber I represent. I think that if the county were deprived of the eventual granting of this permit, then you can see the cost of obtaining that pool would be much greater. We only say that the moratorium should be granted because, if they decide summarily, then that is gone forever, I imagine.

CASEY: What moratorium are you referring to?

CARVER: The moratorium on your part to hold off just as you did in the recommendations as to the forest lands and so forth. If you recall, Mr. Walker and Mrs. Pauline McNally used that term moratorium and study. I don't see that anyone would be hurt for the reason that the applications under consideration have waited a long time, and the study -- this should be normal. So, we offered at this time as part of your resources complex on the Kern River.

CASEY: Did I get you right that you feel that there are still (?)

the applications for unappropriated water and what you are recommending is that the State Water Board give a consideration to the county for use in Lake Isabella. Is that --

CARVER: As a body politic it should have, I believe, priority. However, as I stated, there is a danger of a summary action on the part of the board, I mean, in a relatively short time. That is why the term moratorium is used. We realize just as forest lands which surround the Lake Isabella Reservoir, and remember when I presented this I did^{n't (?)} mention that, but it is freely federal lands, except for streams that run through. In the same manner, we realize that you are talking about that resource complex, but your lines cross with the Water Rights Board. Our only statement is if you find or feel disposed and you find it is within your power, and I think your Legislative Counsel could advise you on that, that maybe whatever action you take in the nature of a moratorium on this hearing at least with respect to the county's application would fit in and integrate with your resources complex.

CASEY: Thank you, Mr. Carver. All right. We are going to proceed to the last item on the agenda. I hope there is no one here who wanted to testify on earlier items. I am awfully sorry that many of the members are catching planes and it will be not long before we won't have a committee here, so I do want to take up this question of a scenic highway. Mr. Williams. You have a presentation to make in regard to a scenic highway?

KILPATRICK: Mr. Chairman, I would just like to remark that Mr. Williams is a long-time friend of mine covering my earlier years, and in the Legislature. He did a lot of campaigning for me in Los Angeles. He finally moved away into Kernville, and I am mighty glad to renew that acquaintanceship which we had years back.

WILLIAMS: Thank you for those kind words, Vernon, and I hope to have you up to the house any time you are available. I would be glad to have

you, sir. I do not want to take your time, gentlemen, and I know a lot of my neighbors and compatriots think I am quite an idiot. But I have tried to prepare a little program here that I think in many ways would answer many of the problems that they have presented to you. I am trying to work at this program on an over-all basis, instead of just a leg here or a pot (?) there, and I contend that because of the dire need of the people of Southern California that it would seem to me if we approach this on an over-all planning basis, maybe we can get somewhere with it. Because the Federal Government and the State Government both have shown an interest in the type of planning that I am proposing.

Incidentally, I have a group of names here that I collected just to show that I am not the only idiot in the ^{area} ~~xxx~~, and I would like to present them to you. To understand _____, gentlemen, I have to hand you one of these maps, and if you allow me, it will only take me a second to do so. _____ program, gentlemen, is by the Auto Club, Southern California, and this has been in _____ for about 30 years, and believe it or not, I didn't even know it existed until about a year and a half or two years ago. Since that time, if you have any complaints of the annoyance I have created for you, and some of my neighbors, please blame this on the Auto Club, ~~xxxxx~~ because they are the ones that got me started on this idea.

Gentlemen, if you look at the map, starting at Lake Isabella, follow the Sierra Highway Road, it stops at Johnsondale now, it is a paved road to Johnsondale. Now, they are paving it from Johnsondale to Quaking Aspen. I understand this should be done in October. That would _____ into the Springville Road, as I call it, ~~zz~~ I think it is State Route 190. That would leave approximately, according to the scale there of 25 miles of roadbuilding necessary, and I assume that the Auto Club has made a rough survey of this area from the Springville or Quaking

~~XXXX~~ Aspen Road to Three Rivers. If you can see what I am trying to propose here, gentlemen, I am trying to propose by completing this 25 miles of road, Lake Isabella automatically becomes the entrance and gateway to Sequoia as far as anybody from the Southern California area is concerned. X

What I am trying to say, fellows, is that by a little concentrated effort on this thing here, about five miles on each side of this road, starting at Lake Isabella northward, it takes ^{us} right to Three River and Ash ~~XXXX~~ Mountain, which is the entrance to Sequoia, and I am sure that if you talk to the people of Southern California, nobody in their right mind would go beyond Bakersfield from June to October, when it is 110, if they could take a scenic route that would start at Lake Isabella and go through Johnsondale, Quaking Aspen, Springville, and right into the entrance of new Sequoia. I feel that by working for this section of road from Lake Isabella to the Ash Mountain entrance of the Sequoia National Park, this would be the area that is adjacent to the center of population where it is so badly needed. X Now is the time to try to set this area aside, and I don't believe, and this is not in any way against the National Forest, the Department of National Forest, or the Department of Agriculture and their proposal of their type of work.

But, gentlemen, I am considering the basis that this is the only river that runs year around, from here to the Mexican border. I have heard other people here today using the same expression, because I have written it to them. Now, gentlemen, I conclude, and I hope that you do too, when you consider that the dire necessity of Southern California for inland river lake area, when you consider that the Kern River is the only one they have. This, of course, applies to Bakersfield, it applies to Tehachapi, Lancaster and all the surrounding little towns here, plus all of California. Now Mr. Grant there is from Long Beach, and there is

410,000 in his area. The whole County of Kern has only 307,000. How can we as a county, develop this area, starting at Lake Isabella, adequately, fast enough and pay for it, without having the help of Southern California? And I propose, gentlemen, that we as a neighbor here, invite our great big and powerful Southern California neighbor to participate in the development of this area, for the use of their people, as well as our own. Because they do need it. This is the only lake of any consequences. What do you have, Big Bear and Arrowhead and Lake Tahoe. Sure, Lake Tahoe is 600 miles away. How many average citizens can drive there on a weekend? But, gentlemen, this area is close and adjacent to the center of population, and it can be used, Because I contend, gentlemen, that if we get a standard sized lake the year around, and we get a control of our river, which these gentlemen have been talking for, and I certainly agree with most of -- everything they have said. And please believe me, I am not criticizing the Edison Company, I am not criticizing the San Luis Company, all I am trying to find out is that you the people have paid \$21,000,000 for a dam, that you are not getting adequate service out of. You could do so much better. You pay for it as citizens, and yet it is only in the flood years do you actually get something back in the value of your dollar spent.

Now, I understand sometime back, that there was a Colonel Turner invited up to kind of give it an offhand, or an inspection of the dam, and see what could be done to increase the size of that dam and that lake, I should say. So, gentlemen, if we had 120 -- 110,000 or ~~125~~ 125, or 150,000 that would still leave an excess of 400,000 for flood control and irrigation. And if it takes \$2 million dollars more, don't you think that would be a good investment, when you have already invested \$20 million dollars in that area, if you have to make it into a recreation lake, considering the fact that the center of population of Southern California,

the greatest growing area in our country, where else could they need it any worse than these people do? And this is the reason I propose it. Here I am living up in a town like Kernville, but I have come from an area that I see the growth of it, and I came here from Illinois 17 years ago, and the salesman kept telling me, "Mr. Williams, this is the fastest growing place in America." And I went back home to Chicago, and I stayed there for about two years after that before I made up my mind. But, you know, that fellow was right. If I had known that then what I know now, I would have certainly taken a lot different action.

But here we have the greatest center of population with the greatest shortage of inland river and lake areas. And gentlemen, I propose that if we could either get the State or the National Government to take a good look at this area, because of the dire need of people of all of Southern California, not only of Kern County, but all of Southern California, then maybe we could really make some headway in this planning, and certainly I could see by the papers here -- I have one cut-out after another, that Brown urges scenic highways for the State. This is the way you would get them. You have Pauline Davis, one of your Assemblywomen, that is working very hard for public roadside rests. Well this could go in with this kind of a program. And where else in American would you have a finer scenic-highway than what the Auto Club has proposed here. It would actually be 300 miles of scenic highway, but I'm only working on one section -- I feel that I have more than enough to do concentrating on that one section, because that's closest to the center of population where the need is the greatest. And gentlemen if you look in there you will see that many roads from Porterville and from, I would say, from Lindsay and Tulare and Visalia, they kind of head up into the mountains there. That would make some very nice loop driving there.

of all the outdoor activities that have been mentioned here today, the greatest activity according to the Federal Government and ; your own government -- the State Government -- recreation driving is the most of all ages, the thing that is enjoyed the most by the most people. And with the proposal of this route here which would be completing an 80 mile section, actually the road is already from Lake Isabella to Johnsondale and they are completing a section from there and the Quaking Aspen area that is only 25 miles that would add an additional 80 miles of scenic driving, for the people of Southern California and all the people through this same area. Now, I know gentlemen _____

for the benefit of our people. And to me it seems like -- as beautiful as it is, it could serve as a park area. And please believe me folks, I _____

that have come into my store, and they have expressed no desire to see any great big commercial area _____

but in the National Parks _____ at
but as far as super-highways, I'm not advocating that/all and I'm not advocating any private property be taken. All I'm suggesting is that wherever now do we have federal landmanagement or public land manage-

ment be changed from one federal agency to the other in such a way -- just on a strip basis which would be roughly, I'm recommending, 10 miles wide and 5 miles on each side of the Sierra Highway _____

Lake Isabella.

This would _____ a long strip where people from all sections of the country could get in and out of it.

And gentlemen, I think if we could work on this kind of a program, instead of working ; just piecemeal for the control of the river, the lake and trying to get a road, I think all of these things will come together. Because if we can beat the road from Bakersfield to Lake Isabella, maybe we can retain it as a real recreation area instead of just another commercialized area. / What I'm fearful of, gentlemen, is what we have in Big Bear, Arrowhead and up at Lake Tahoe. Now the government, and I think our own Governor, has moved to try and protect up in the Lake Tahoe area -- belatedly -- but he has moved to do so. And I hope because of the dire interest and the need of the people of Southern California that you gentlemen can see what I'm trying to drive at here -- that children and the family people close and adjacent can have some way that they can reach it

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...it still doesn't mean that Kernville, Wolfard Heights, and Isabella wouldn't control or do as they wished to do in their own area, because that would still remain counties as it ;is today.

I contend, gentlemen, that ~~around~~ Isabella is national forest, around Kernville, ~~I beg your pardon,~~ around Kernville is national forest and around Wolfard Heights and Isabella is public land management. Now there is the suggestion that the county buy 350 acres along the South shore. If the county does this for \$2.50 an acre, this is real fine if it stays in public use. The point is, will it stay in public use? And again I stress the one point, gentlemen, this is the only river and lake combination for 10 million people now, and possible 18 million - according to the L. A. Chamber -- in the next 10 years. By the time we can move and act on this you will have your 18 million -- it is just like Highway 99 -- as fast as you spend billions of dollars, the people are moving right behind us.

Another thing, and another thought, with that 80 miles of road, it might relieve on Highway 99 some of the slow and vacation type traffic.

Thank you, gentlemen, and really I am sincerely and honestly happy to have been able to get here so I could talk to you about it. And please believe me, it may seem strange to you that I live in an area like I do and I'm concerned for the people down there, but I lived there for 15 years. I come from a heavy populated area. And I can see it through the eyes of a married man that has enjoyed many years and many days of outdoor recreation facilities -- both in state and national parks. And I thank God that we had men and women that had the foresight to plan them. I think you gentlemen that are from Southern California - if you can reach out and bring water from Northern California, you can reach out to help us conserve and save an

area that will be useful to our people for years to come. Thank you.

CASEY: All right. I think, Mr. Williams, you have a great project there, but I think some one of these days we will have to have a separate hearing on the whole subject itself.

WILLIAMS: I beg your pardon.

CASEY: I say I think you have a great project here, but I think that we will have to have a separate hearing on this subject in itself at a future date.

WILLIAMS: I'll be glad to help in any way I can -- at any time I can, and at any place I can.

CASEY: Fine.

WILLIAMS: To me, gentlemen, it is worth any effort.

CASEY: Fine. Thank you. We'll call on you.

WILLIAMS: And I'm sorry if some of my neighbors and my friends don't quite understand the reason for promoting this kind of a thing. And if it wasn't that the state and federal government was in a mind to do this, I wouldn't even waste the time or energy to talk about it.

CASEY: All right thank you.

WILLIAMS: And if there is any questions I can answer, please let me say this, I don't even presume to know all the answers, but I know we are going to have problems in that area, we are going to have many troubles and this is going to maybe lead to some other problems but the over-all planning of this type of a thing would be something worthwhile and if everybody could work in it regardless of politics and age or roots or wherever they came from.

CASEY: Right.

WILLIAMS: Because please believe me, if we worked it out,

it would be one of the most magnificent and wonderful scenic drives, plus park, and if I was asking for the "high country", gentlemen, that would be different, but I'm asking for area that is going to be covered, I mean by this, in this respect the one big question people have asked me if they make a park, "are you allowed to hunt?" No, you're not allowed to hunt, but I can tell that along that road in the next ten years you are not going to be allowed to hunt anywhere, because there will be too much traffic moving up and down. I expect to see in Kernville in the next ten years -- and if they can sell land out in the Salton Sea -- I don't know what they can do up in our country up there in the beautiful country we have. And gosh, I expect to see like what they have in Hollywood the cantilevered homes all over these hills in the next 10 years up there. If we can move fast enough, by the time the water from Northern California gets down here, maybe that will help to relieve the water used up there-- maybe we can get some better use out of our water.

CASEY: That's right. We certainly appreciate your being here, Mr. Williams. Thank you.

WILLIAMS: Well at least you can see that I believe in what I'm trying to tell you anyway.

CASEY: Yes, indeed.

WILLIAMS: Thank you.

CASEY: Thank you.

WILLIAMS: As I tried to say, gentlemen, I don't know all the answers. I'll try to answer anything I can, but I surely don't know all of them. But I know one thing. If we don't get started going

somewhere, I know we'll never get there.

CASEY: Thank you.

Now do we have anyone in the audience who feels they would like to say something -- that they haven't been heard from yet? Any person feel they have been overlooked in this hearing?

_____: Mr. Chairman, I've got some resolutions from the Kernville Chamber of Commerce, but they are actually a repeat of resolutions that were already presented. Do you want them now or shall we mail them to you?

CASEY: Yes, would you please mail them to the Committee on Natural Resources, Sacramento?

_____: Yes.

CASEY: Thank you. All right, ladies and gentlemen if there are no further witness to be heard from, the meeting is adjourned.

MEETING ADJOURNED

April 24 & 25, 1962

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Mr. Chairman and members of the Committee:

My name is Oscar Greene, I am President of the Lake Isabella Chamber of Commerce at Lake Isabella.

The Lake Isabella Chamber of Commerce Board of Directors, after much study, has gone on record favoring the U.S. Forest Service proposal for the establishment of a Wild Area Known as the Domelands.

There is presently in California 1,628,000 acres set aside as Wild or Wilderness areas for those persons seeking this type of recreation. In 1959, the last year for which I have figures available, 192,230 persons visited this 1,628,000 acres of Wilderness land. Contrast this with the 12,285,405 persons who visited the 22,477,511 acres in the balance of the National Forest in California. It appears to our Chamber of Commerce that those persons seeking solitude have a vastly greater opportunity to find their solitude than those who are simply seeking healthful outdoor recreation.

In addition to the nearly two million acres of Wilderness areas in California there is 2,054,560 acres in our three principal National Parks. A look at the map of these National Parks would indicate that the vast majority of these parks are in fact Wilderness areas because there are simply not accessible by road. In the Sequoia National Park consisting of 386,560 acres there is less than 60 miles of roads for our people to enjoy this natural beauty. Setting aside additional area in the Domelands would deny, to the vast majority of residents of Kern County and California the opportunity to visit this area.

The only mode of transportation allowed is horseback or hiking. Most of our people simply do not have the finances to hire horses nor the time to hike into this country. California is desperately short of areas in which its people can seek outdoor recreation. No fences should be built

around vast land areas which in fact say to its' owners you may not enter here unless you have a horse or the time to hike in. This area is set aside for a chosen few.

The Lake Isabella Chamber of Commerce has no disagreement with those persons advocating Wilderness areas. We feel that they are important. We do however take serious issue with those people who advocate constantly enlarging these areas. Rather than build fences around our natural resources and limit their use to this chosen few, we advocate building adequate highways into more areas in order that they may be enjoyed by more and more people.

There was available to the 192,230 persons who visited Wilderness in 1959, more than three million acres for their enjoyment. For the 12,285,405 persons who visited the National Forest there was only 22,477,511 acres available for their enjoyment. It appears to us that the National Forest personnel is taking care of the needs of the Wilderness advocates and that more attention should be paid to person just seeking plain rest and relaxation for a weekend.

Statement of Frank R. Stockton, Bakersfield, California
On Behalf of the California State Chamber of Commerce
To the Assembly Interim Committee on Natural Resources,
Planning and Public Works
Bakersfield, California
April 24, 1962

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Frank R. Stockton. I am a past member of the Board of Directors of the California State Chamber of Commerce and currently serve on the Chamber's Statewide Natural Resources and Water Resources Committees. I am appearing on behalf of the Chamber to support the proposal for the creation of the Dome Land Wild Area in the Sequoia National Forest in the form described in the United States Forest Service classification announcement of November 8, 1961. We believe this proposal is a sound one which will provide an entirely adequate area for single-use wilderness type recreation at the south end of the Kern Plateau and at the same time permit orderly development of the rest of the Plateau for badly needed mass recreation and for the utilization of other resources.

The Chamber's interest in the Kern Plateau goes back a number of years. Our position is the result of numerous valley wide meetings held under the auspices of the Chamber's San Joaquin Valley Council, field trips to the area, recommendations of our Statewide Natural Resources Committee and subsequent policy adoption by the Board of Directors. We have consistently supported placing the timber and other resources on the Plateau under active management as opposed to the present custodial status. The Board, however, has recognized that the Dome Land section has unique geological features and feels that the proposed 62,561 acre Wild Area under consideration can be reserved for single and consequently limited uses of primitive recreation.

A few comments as to the background of our position, I believe are in order. We believe that the proposal has been very carefully drawn by the Forest Service and that the wilderness values can be maintained in the specific area. Wilderness carefully selected is the only wilderness that can endure. As testimony presented today has shown, four multiple purpose reservoirs are tentatively planned for the Kern Plateau. Three of them are included in the California Water Plan namely, Monache, Rockhouse and Onyx. All of the water projects will lie outside of the Wild Area. The proposal does not conflict with future development of the State Highway (Legislative Route 127) which would permit travel from Porterville to the east side of the Sierra in the vicinity of Olancho as reauthorized by the State Legislature. Timber resources to the north of the proposed Wild Area are being depleted by extremely heavy insect losses. This waste will be reduced through highly selective harvest which will enhance mass recreation usage by providing some of the recreational access needed. While the proposed Wild Area includes some commercial timber values, most of the timber resources have been excluded from the area.

In my opinion the Plateau management plan for development of recreation facilities is a forward looking one. When implemented it will resolve many of the pressures now resulting in over-use along the lower Kern River and provide sorely needed facilities for the large population concentrations in the urbanized areas of Southern California. The recently released report of the National Outdoor Recreation Resources Review Commission clearly states that we have a paradox in outdoor recreation resources. The Commission concluded that we have an abundance of land suitable for outdoor recreation purposes and that the "problem is not one of number of acres but of effective acres -- acres of land and water available to the public and useable for specific types of recreation". The report adds that

for reasons of location or type of management, much of the vast acreage suitable for recreational use is not now available. Since there has been some discussion of expanding the area which will be reserved for wilderness usage on the Kern Plateau, I think that in order to point out that such expansion would adversely affect the overwhelming majority of recreation seekers.

We now have 453,658 acres in existing Wild or Wilderness Areas and 1,094,000 acres in Primitive Areas in the National Forests in California. In addition well over 3 million acres of the 4 million acres in National Parks in California are roadless and inaccessible for outdoor recreation purposes by the general public.

The recreation plan for the Kern Plateau prepared by the National Forest Service proposes a development concept which will afford more protection to the area than it has now. Limited access roads will permit needed erosion control work and better fire control. Fish and wildlife resources will be enhanced through forage improvement and the construction of small stream flow maintenance projects.

We understand that the Sequoia National Forest recreational program for the Plateau if not impeded by further controversy over how much land shall be reserved for the exclusive use of wilderness proponents will provide at least 17 new camp grounds with a daily capacity of almost 7,000 people in addition to a number of organization campsites and 4 new winter sports areas within 13 years. The plan calls for the establishment of recreation centers to provide optimum development and management of public usage. Under this concept the physical facilities needed would be concentrated in centers and expenditure by the Service will bring the greatest returns to the public. Protection of water supply and proper sanitation can also be more economically accomplished under this concept.

S. 174, the Wilderness Act, which has passed the United States Senate, will be heard by the Public Lands Subcommittee of the House of Representatives early next month. If the bill passes and the Dome Land Wild Area is not classified as such prior to enactment, the Forest Service cannot classify any portion of the Kern Plateau. Only special legislation requiring the concurrence of both the Senate and the House of Representatives could then establish the Dome Land Wild Area.

We believe the Kern Plateau has already received sufficient study and that nothing further should be done to delay the development program and the creation of the Dome Land Wild Area as proposed.

KERN COUNTY BOARD OF TRADE



BAKERSFIELD, CALIFORNIA
1015 GOLDEN STATE AVENUE
P. O. BOX 1312
TELEPHONE FAirview 7-2111
EXTENSION 2367

P. O. BOX 1312 • BAKERSFIELD, CALIFORNIA

April 20, 1962

STATE ASSEMBLY NATURAL RESOURCES, PLANNING AND PUBLIC WORKS COMMITTEE

Mr. Chairman and members of the Committee:

I am A. B. Newby, vice president of the Kern County Board of Trade. I have been commissioned by our board of directors to represent the Board of Trade in the presentation of testimony before your honorable body in connection with the recreational impact of Kern River Valley on the economy of Kern County and the need for a new highway to the Lake Isabella area.

The Kern County Board of Trade, since 1954, has played an active role in the promotion of Lake Isabella as an all-year Southern California vacation area.

During the last eight years, by actual count, more than 5,000,000 visitors to the Kern River Valley-Lake Isabella area expended \$50,000,000. These new dollars were circulated throughout Kern County's economy.

Visitors to the Lake Isabella area have come from 26 of California's 58 counties and from 10 states, including visitors from as far as the state of Michigan.

It is an undeniable fact that Kern River Valley, properly developed, can become one of the outstanding recreational areas in California.

Now is the time to plan and program for our future tourist and recreational needs. Lake Isabella is Southern California's largest man-made body of fresh water. It is the most readily accessible fresh-water lake of its kind in the Southern California area, California's most heavily populated region. In addition to serving thousands of recreation-seekers from the Los Angeles area, the Lake Isabella-Kern River Valley area fills a vital recreational need for the more than 300,000 residents of Kern County. By 1980, Kern County's population is expected to reach a half a million persons.

To insure the recreational and economic future of the Kern River Valley-Lake Isabella area, there is an urgent need for the establishment of a minimum pool of 110,000 acre feet, without infringing on the flood control or irrigation features of the Isabella reservoir.

"California's Golden Empire"

KERN COUNTY BOARD OF TRADE



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-2-

April 20, 1962

Prompt construction also is essential on a new highway to make this outstanding recreational area more readily accessible to Southern California and Central California residents. In this connection, may we draw special attention to the fact that traffic on the present Kern Canyon Highway has increased by over 14 per cent per year over the last 10 years. The fatality rate on the highway is $4\frac{1}{2}$ times greater than the state average for a two-lane highway.

In light of these facts, we hope that your honorable committee, in its wisdom will see fit to urge the California Highway Commission to appropriate the necessary funds for the early start of construction on a new highway to the Kern River Valley-Lake Isabella area.

We also should like to request the committee's consideration in urging U.S. Senators and members of the House of Representative to make funds available to the Corps of Engineers for a resurvey of the Isabella reservoir for the purpose of improving its recreation values.

Thank you.

"California's Golden Empire"

(Exhibit F)

STATEMENT OF CARL L. STETSON,
CHIEF, SAN JOAQUIN VALLEY BRANCH
DEPARTMENT OF WATER RESOURCES
BEFORE THE
ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES,
PLANNING, AND PUBLIC WORKS, BAKERSFIELD

April 24-25, 1962

It is a pleasure for me to represent the Department of Water Resources before this committee today in response to Assemblyman Lowrey's request by letter of March 30, 1962. I will discuss the department's interests and policies as they affect development of the recreational potential of Kern Valley.

The interest of the department in recreational development is expressed in Section 12581 of the Water Code, "In studying water development projects, full consideration shall be given to all beneficial uses of the State's water resources, including . . . preservation and development of fish and wildlife resources, and recreational facilities, . . ."

The department is concerned that the water resources of the State be developed to the greatest possible extent for all beneficial uses including recreation. This concern also extends to watershed management. Here, the department recognizes that the primary interest of the department--conservation and development of the State's water resources--must be balanced with the other multiple purpose uses of watershed lands.

The department's general policy is to support multiple purpose development of the State's water resources. It is not anticipated that we will participate directly in any of the recreational development being considered here today; however, the Department of Water Resources would review any proposed federal planning for water development. In this regard, I can

assure you that recreational use will receive full consideration in our review. Further, we will, of course, be happy to conduct any studies that the Legislature may request.

SUBJECT: THE KERN PLATEAU AS IS; A ECONOMIC BONANZA

INVOLVING THE COUNTIES OF: TULAREKERN INYO.

TESTIMONY PRESENTATION OF: PAULINE M. MC HALLY
FOR: KERN PLATEAU ASSN., INC.
P.O. Box 6091, BAKERSFIELD, CALIFORNIA

In the hopes of illustrating to you, the tremendous magnitude of the natural resource assets in jeopardy, Kern Plateau assets which all of us have at stake, whether we be the John & Mary Doe public, Businessmen, Recreationists or Legislative Officials, and specifically those of you directly affected in the local Communities, communities whose economic survival depends upon the continuous existance of the sustained reproductions of these natural resources; to alert all of you to the drastic and immediate need for the protection of such a sustaining reproductive resource bonanza, 'The Kern Plateau' as it exists today in its natural 'Status Quo' state without further exploitation, it is first necessary to have an adequate description of the area in jeopardy to enable those, who have never personally been into said area, to orient themselves with a reasonable comprehension of just what is at stake; For such a descriptive introduction, I should like to present the words of Martin Litton, Travel Editor for Sunset Magazine, whose descriptive story presentation of the Kern Plateau Wilderness in the 1959 June issue of Sunset, so ably and vividly depicts the true written portrait of the area in question.

THE KERN PLATEAU-HIGH GENTLE, PASTORAL.....THERE'S NO PLACE LEFT IN THE WEST TO WATCH IT.

THE KERN PLATEAU has no icy peaks; no dense, tall, hoary forests; and not a stream you can't wade across in high water. Its few lakes are small and above timberline. Its trails are rather aimless, often obscure, and sometimes even obliterated by cattle or by encroaching meadow grasses. But this broad California upland has three attributes that arn't easy to come by nowadays: wide open space, unstained sky, and remote wildness.

Not long ago, in research on another mountain area generally considered one of the most remote and formidable of American Wilderness, we discovered that no point in it is more than 10 miles from an automobile road. That set us to wondering whether any spot in the West is at least 10 miles in a straight line-from the nearest point your car could reach,

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ONE by one, we had to cross off what we thought were "Old reliables". Finally, only two remained: One of them is the Bob Marshall Wilderness, in the Flathead National Forest in Montana. The other, it's the Kern Plateau, a strip of the upper Kern River Watershed in the Southern Sierra Nevada of California, its wild status more precarious because encroachments are pressing closer.

The United States Forest Service simply refers to the Kern Plateau as the Cannoll Meadows Working Circle and by the figures taken from their own TIMBER MANAGEMENT PLAN of 1958, for said area, the following acre size areas are presented.

"The Kern Plateau consists of a total of 611,804 acres, of which 414,816 acres in Non-Forest and Non-Productive Land, leaving a total of only 196,988 acres of Productive Forest Land". It is to be noted that the Productive Forest Land represents less than 1/3 of the entire area, but because of its being located, generally speaking, in the center of the total involved Plateau Lands, access to the Productive Forest Lands therefore jeopardizes the environment of the total 611,804 acres of Kern Plateau Lands.

Of the 196,988 acres of Productive Forest Land, Former Regional Forester Pat Thompson had this to say:

- a. "As to timber operations, the area appears to be marginal in every respect".
- b. "The timber management plan for the forest should specify that the timber in the unit will be reserved and that no logging in the area should be contemplated unless an extraordinary National emergency requires logging."

(Said remarks of record in the report of the Comptroller General of the United States, Washington 25, D.C. Date of August 1, 1957.)

The Kern River, Kern River Valley and all downstream interests are among the lower level, elevation-wise, of the Kern Plateau benefactors, who are dependent on the Kern Plateau remaining in its 'Status quo' state, as their protectorate and sustaining factor relative to the supplying of dollar returns from natural resources, specifically, priority-wise, those resources rating in the top two

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dollar economic field. The Plateau in its native state, supplying the above named interests with an adequate normal and unsubsidized share of these valuable natural resource economics.

These top named resources are water and natural supplies of fish and game for hunting and fishing recreation. To date, these two remain unrecognized, status-wise as such, by the United States Forest Service and Timber interests of the Kern Plateau.

Of the two, the resources defying any limitation as to dollar-value, is of course water from the watershed of the Kern Plateau, said Plateau providing quantities, in major amounts, of mountain water as pure as nature can produce, by reason of its being beyond the access of mass human pressures, which pressures as evidenced by records from history, produce intolerable measures of pollution and erosion in over-run areas. To back up this point of needed water resources protection, and the priority thereof, Robt. Wolf, Congressional Consulting Forester, had this to say after making his fact finding field survey trip into the Kern Plateau in June of 1959:

- 1-"The conservation of the water resources of the Kern Plateau would of course be well assured by preserving the natural conditions. To protect this valuable watershed or source, the uses made by man of the Plateau should proceed on a slow basis, expanding only as evidence shows that these uses do not materially affect water flow or quality."
- 2-"Water measuring devices should be installed to determine what effect use activities have upon water quantity and quality."
- 3-"All timber activities should be undertaken with recognition that the highest uses of the area are recreation and water production."
- 4-"One thing that traveling through the area with a group on horse-back does is to make clear that the decomposed granitic soil is highly subject to wind and water erosion. There is no doubt that logging will create problems where none existed before."

Of the Water Resource and Watershed problem relating to the Plateau, The United States Forest Service has this to say: Info taken from their TIMBER MANAGEMENT PLAN OF 1958;

1-"The working circle covers a major portion of the Kern River watershed upon which local communities and the southern part of the San Joaquin Valley depend in part for their water requirement. Available water is put to beneficial use for power and irrigation. Four powerhouses are located on the Kern River outside the working circle. Logging of this watershed will require ingenuity and good logging practices to minimize disturbance of the soil."

2-"Most of the soils within the timber zone are of granite origin. Soils formed from this parent material are characteristically a sandy loam. In general this soil is quite unstable when the vegetative cover is removed."

Of the water measuring devices called for in the Wolf report, Regional Forester Charles Connaughton has this to say: Material from the minutes of the Kern Plateau Meeting 9-28-59.

"The Forest Stand regarding stream gauging stations, is that they want to engage in such activities, and will do so, but will not guarantee that Brush Creek will have one before this fall, ¹⁹⁵⁹ with results to judge the effect on quality and quantity, on said stream, due to the fact they have no money. He stated that the Stream gauging stations are best used on a five year basis, five years before and five years after, to judge the effects thereof."

The question is have they or have they not been installed? If they were installed in the years of 1960-61, these years were years of extreme drought, therefore findings based during that period are obviously inconclusive as evidence for the assurance of any guarantee for watershed protection.

It is to be noted that while the United States Forest Service seems to be quite aware of the downstream interests uses and dependency on the sustained supply of water from the involved watershed, they make no reference thereof for the needed protection for the source of said water relative to the resource's economic dependency of said areas, because of the resource water dollar-values in jeopardy from siltation, by erosion and pollution, or the impact thereon of same said areas from

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the lack of protection thereof.

Relative to Watershed and water problems: The State Department of Fish and Game has this to say:

1-"Sedimentation helps destroy trout streams. The soil settles out in pools and slower riffles. Trout shelter, spawning area, and habitat for food organisms are destroyed."
(Material taken from Outdoor California March 1962, Article by Don Kelley, Fisheries biologist.)

2-"Water policy. Water beneficially serves the preservation and enhancement of California's fish and wildlife resources and is a component of the habitat upon which these resources depend. The habitat resources should be considered in the planning and protected in the use, etc.(Taken from the 1960 issue of California Public Outdoor Recreation Part 11.)

Relative to water, as a downstream water resource benefactor, Isabella Lake and the life of this \$21,000,000. investment and its dependent economies amounting to added millions in capital investments and business recreation, is most certainly at stake, relying wholly on the continuance of the most practical, feasible, and protected watershed management possible for survival.

As an observation and acknowledgement of the conclusions drawn from facts presented as to the instability of the soil for the major share of the Plateau and the adverse effects ^{from} of a disturbed soil of this type, one can point-up and rightfully disclose the damaging adverse effects that the downstream interests would sustain from the disturbance and planned mass use of the apparently FRAGILE PLATEAU AREA.

As to the second resource Fisheries and Wildlife; The second National Survey of Fishing and Hunting in the United States, covering the calendar year of 1960, shows that these traditional American activities are even more significant now to our national economy and way of life, than they were in 1955, the year covered by the first same said survey. The National Survey of Hunting and Fishing revealed, as estimated, that 30 million sport fishermen and hunters in 1960 reported 650 million days of hunting and fishing recreation with an expenditure close to 4 billion dollars on these pastimes.

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Obviously, 4 billion dollars is BIG MONEY, AND THE \$64,000. QUESTION IS: Can any recreational area obtain and sustain their fair share of this No. 1 dollar economy without the sources of these said resources being protected by a guarantee brought about from proper analytic field studies initiated from problems relative to their own areas, these studies furnishing the criteria from which to intelligently orient practical and feasible planning? Common sense tells us the answer is definitely and overwhelmingly NO! It is also strictly within rights to challenge the practicability and soundness of any program initiated for speculative purposes, without having been formulated from biological and economic studies relative to the total resources being precommitted one way or another.

TO DATE HAVE THESE TOTAL STUDIES (RESOURCE) BEEN MADE TO JUSTIFY ACCESS FOR TIMBER MANAGEMENT PLANNING FOR THE KERN PLATEAU?

LADIES AND GENTLEMEN QUITE OBVIOUSLY AND MOST UNFORTUNATELY THE ANSWER IS NO.

Substantiating evidence for verification is: From State Dept. Fish & Game.

1- As of 4-24-62 the Biological Studies for the areas of the

Kern Plateau are incomplete to the extent of at least 60%.

- a. A field Study trip for the Northern Sector of the Kern Plateau has never been made.
- b. A field study trip of the Southern Sector of the Kern Plateau was made in June of 1959 with result findings of: "Future destruction of all native fisheries from pressures caused by planned massive road access by the United States Forest Service for timber harvesting.

2- The following question asked of the State Dept. of Fish & Game,

- a. Has a Departmental Economic Study of dollar resource values ever been made relative to your total resources of the entire Kern Plateau or any part thereof?

THE ANSWER IS NO:

- b. Does your Department, since being engaged in studies of the Kern River KRR Dry stretch problem, feel that the Kern Plateau Areas contributing and sustaining fish and game resources for the Kern River and Kern River Valley recreational areas have a dollar value as exists "status quo?"

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The answer...Yes, the fish and game resources of the Kern Plateau have a dollar value as they exist. How much this is and what contributing relationship it has to the Kern River and Kern River Valley, I couldn't answer as the Department does not have the information.

Relating to fisheries, the United States Forest Service has this to say in their TIMBER MANAGEMENT PLAN OF 1958:

1-"Logging practices as prescribed in this plan will protect or enhance the fish and wildlife habitat." (Page 62)

2-"Access by roads will probably cause a heavy drain on the native fish population." (Page 55)

Statements of the Forest Service relating to fisheries are diversionary rather than objective when in direct comparison to the statements of fact as issued by the State Dept. of Fish & Game, the Agency whose business is Fish and Wildlife.

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Grazing resource: Touching lightly as to the present and future status of the grazing resource, one can say that the present and past uses of the Kern Plateau have been compatible with grazing, but with the admittedly scarce water supplies of said Plateau, it is really inconceivable to envision the compatibility of livestock with mass motorized recreation, when both must compete for the short water supplies. Grazing-'Status Quo'-economy-wise or as prescribed for the future by the U.S.F.S. in the TIMBER MANAGEMENT PLAN OF 1958, provides much room for conjecture rather than fact, but it is relatively easy to personally evaluate the percentage of necessity between decision for designated uses, when the field is narrowed to fast bucks, fun or food and the use compatibility thereof in the area in question.

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Timber resources: Specifically regarding the recent Beach Meadows Sale of last November 1961 Of:

Jeffrey Pine, Sugar Pine and Western White Pine sold at a Base and Tentative base stumpage rate of \$2.50-\$4.80 and with Incense Cedar White and Red Fir sawlogs plus Lodgepole Pine Sawmlogs having a stumpage rate of \$1.00 one must wonder at the areas lumber quality and question the conditions, which could conclude such a give-away of
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of public resources. It is to be remembered that this sale of Kern Plateau Timber to Rodgers, Watson & Oviatt of Redlands, California is not in keeping with the justification given by Supervisor Eldon Ball or Regional Forester Charles Connaughton for opening the Kern Plateau. They stated that the sawmill in Bishop as well as the sawmill known as Mt. Whitney Lumber Company in Johnsondale, California needed the timber to support local jobs and economies.

The dollar figures for the Counties involved in the Kern Plateau access planning for timber harvesting are as follows; relating to Forest Service receipts, incl., timber sales of dollar amounts reimbursed to the said counties of \$13,842.20 for Kern County, \$34,887.77 for Tulare County and \$9,380.51 for Inyo County. These figures are from the report of Alan Cranston's Office for the fiscal year of 1960-61 and point-up the relatively small sums realized at the local economy level as against the tremendous resources dollar values at stake from the results of ill-planned and un-studied programming of the values of the total resources involved.

13.
35
18
58.000...

Yes, literally speaking the Kern Plateau is the GOOSE THAT LAYS THE GOLDEN EGGS, THE GOLDEN EGGS BEING IN THE FORM OF NATURAL REPRODUCTIONS OF RESOURCE SUPPLIES ON WHICH TO SUSTAIN AND KEEP BUILDING YOUR HARVEST OF RESOURCE DOLLARS WITHIN YOUR LOCAL, COUNTY AND STATE BUSINESS ECONOMIES. Inasmuch as Biological studies are incomplete as well as being in opposition to the claims of enhancement by proposed access, because the Total Resource Economic study of Dollars lost for Dollars gained, so to speak has not been made, Because the area soil-wise for most of the entire Plateau spotlights FRAGILITY, and because study results by stream gauging are inconclusive, and unproven as to guaranteed protection of water quality and quantity, the Kern Plateau Association does hereby reiterate its resolution asking for a moratorium for the KERN PLATEAU as a protection against any further exploitation until the proper, practical, feasible studies are made justifying by fact, any programming thereof, and requesting that this action be taken for and in the interest of the public, to fully protect and provide the greatest good for the greatest number.

STATEMENT OF ROLAND CURRAN, P.O. BOX 15, BAKERSFIELD

to

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Bakersfield, April 24, 1962

Mr. Chairman and Members of the Committee, my name is Roland Curran, I am a native of Bakersfield, by occupation a general contractor and subdivider.

Before presenting my statement on the Kern Plateau I should first like to express to you distinguished gentlemen my sincere appreciation for your interest in taking the time to hold this hearing on the problems now confronting the preservation of the Kern Plateau from exploitation to the disadvantage of the public welfare.

You must realize that when ordinary citizens have exhausted their opportunities for fair treatment and their solicitude for the public welfare treated with contumacy by a very powerful and entrenched bureaucracy, their only resort is to our legislative representatives.

In appearing before you today I am authorized to state to you, that I am representing the Kern Wildlife Federation and the Kern County Fish and Game Protective Association. Two outstanding sportsmen groups with records of working in the public interest that are unsurpassed. My views on this subject are their views. They too, have asked that I convey to each of you their deep gratitude for conducting this hearing.

The Kern Plateau comprises an area of some 580,000 acres at

the southern end of the Sierra Nevada. I am quite familiar with this area, having first spent several weeks there in 1906. I have since fished and hunted in the region many times. The area lies between the forks of the Kern River with its southern tip at Lake Isabella (a Corps of Engineers Project) some fifty miles east from Bakersfield. The Working Circle comprises some 350,000 acres, all of which with the exception of about 100,000 acres is desert, rocks, brush or scrub timber. The 100,000 acres on which timber is growing is a sort of high plateau with a number of large meadows and quite a few small ones. The trees for the most part are old and unfit for good lumber, though providing scenery of surpassing beauty in their present state. There are no large stands of young timber. Where fire has destroyed the forest the trees have been replaced with dense brush and scrub oak. This same effect is apparent on all of our mountains on the east side of the Sierras from the northerly boundary of this Working Circle, south.

The economy of the Kern River Valley has been for many years largely dependent upon this area. It provides summer grazing for the cattlemen, some mining; trout streams containing the last of the native Kern River golden trout, the most beautiful of all trout; the only unspoiled wilderness area in Southern California; winter shelter for a large segment of the high Sierra deer herd; important flood control; and a vacation land that is enjoyed by thousands every year. It contains a good start on establishing a permanent range for wild turkeys, both mountain and desert quail and wild pigeons are found throughout, and many sportsmen hunt wildcats, mountain lions and bear. Heretofor only jeep roads

into the mines have been allowed. People pack into the high country, and many walk in. We know that if the timber is cut, the area will revert to brush as it has done on every cut over mountain bordering on the desert.

The controversy concerning the Kern Plateau centers around the 100,000 acres of virgin timber. The trees are predominantly old growth, with young trees primarily located along the creeks and the meadows. Many people question whether logging is a proper use of this old forest, where trees grow so very slowly, and where their replacement is nil, or so far in the distant future that generations would elapse before it would be possible to see their equal.

Moist lands are the great timber producers, and to compare this old marginal forest with the vigorous and densely covered slopes in the areas with greater precipitation is ridiculous.

The question has been asked, why should the wilderness be limited only to lands the lumberman does not want.

In the next few minutes I shall do my best to give you the background of the present controversy affecting the Kern Plateau. The possibility of someone logging this country became a matter of concern about 25 years ago when the results of logging in adjacent areas became manifest. The concern increased when the Mt. Whitney Lumber Company cut the timber and left a desolate waste on its own lands on the west side of the Kern River opposite to the Cannel Meadows area. It became alarming when some years ago the Forest Service traded them stumpage on adjacent blocks of timber for their cut over lands, and permitted them to ravage the

area in like fashion, destroying the trout streams, eroding the land, killing off the game and leaving the area a shambles and a fire menace. This, in spite of their propaganda to the public that they were instituting a thirty year cutting cycle to correspond with the tree growth. Never was more fallacious propaganda fed to the public. The trees more nearly require a hundred years in this area on account of the minimum precipitation, and no effort was made to do other, than gut the country and get out.

The Southern Sierras Conservation Association was formed at this time for the purpose of preserving the trees located within the Cannel Meadow District of the Sequoia National Forest from being exploited by timber interests under the pretense that such lumber as they could obtain would save the nation from an alleged housing shortage.

Accompanied by the then Regional Forester, Pat Thompson, a horseback survey of the region was carried out. Mr. Thompson told the group of local people who were with him, that the forest was old, the trees would not make good lumber, that there was a very slow growth cycle, that no one in his right mind would want to cut the timber and that it was in the public interest to restrict the area to its present uses. He admitted this at a kangaroo court hearing held by the Forest Service in Visalia, California, on August 13th, 1956 and then said, he now represented forty-four lumber companies, and had changed his mind. Lumber was now worth more and buyers were not so particular. He said present uses of the region should be preserved.

Subsequently a similar trip was made during the summer of

1955 with Regional Forester Claire Hendee, who, at the conclusion of the trip offered to set aside a region known as the Domeland for a wild area. This proposal it was felt would be totally inadequate to protect the area and the public interest, so after a discussion Mr. Hendee promised that his department would make a study during the 1956 summer for the purpose of trying to reach an agreement upon more suitable boundaries.

In violation of his promise, the following Spring brought with it the announcement from the Forest Service that it had decided to build a road up the Brush Creek drainage area into the contemplated wild or wilderness area so as to open up a block of timber for the Mt. Whitney Lumber Company.

Early in 1956, the District Ranger, Eldon Ball, told the people of the Valley that the Forest Service was going to call for bids for cutting the first block of timber in the Cannel area and this would require the building of quite an expensive logging road. When asked, why the rush, when he had previously told them, before any change was made in the uses of the area that the Forest Service would hold, on site, public hearings and try to work out an agreeable program. He replied, and to quote him on three different occasions where I personally heard him, "It is necessary to get the Mt. Whitney Lumber Company off the hook, they have just lost their bid for the next block of timber to the north of their present operations, to the Merced Box Company, and we must put them up in the Cannel area to save their operations."

The solicitous regard which the Forest Service holds for this particular lumber company has been most evident ever since

the promotion of the Johnsondale project many years ago.

A trip through the area, which I hope this Committee will find the time to take, will disclose the shocking treatment given this once beautiful forestland. Except for the eyewash strips recently cleaned up along the principal access roads, the balance of the area will appall any citizen not wedded to the Forest Service doctrine, "that a tree is a crop and must be cut down, regardless. If it is no good for lumber, it will at least make manure for the soil." It will also provide a haven for bugs to breed and load the forest with combustible material as one would fill a stove.

The operations of this lumber company are not such as to inspire an iota of confidence that they would do any better anywhere else.

Opponents of the rush program to start the logging operations on the edge of the Kern Plateau, with the record vividly in mind of the operations of this favored company, requested the Forest Service to hold a joint investigation of the areas logged by that company and the area proposed to be logged, so that all interested parties could have a chance to view and evaluate the conditions before any action was undertaken that might prejudice the Kern Plateau.

The Forest Service reacted with great swiftness and hurriedly called a public meeting in Visalia. For a stacked meeting there was never one to surpass it. The answers were ready before the meeting was called and as far as being an impartial review of the problems and the proposed project it was a travesty. To see a great public agency so demean itself was a cause for sorrow to the onlooker. It was also a fearful warning of the tremendous power

of this bureaucracy and its callous disregard for the opinions and aspirations of the general public.

One of the star witnesses for the Forest Service in favor of opening the Kern Plateau to exploitation by the Mt. Whitney Lumber Company was ex-regional Forester Pat Thompson, whom I have previously mentioned.

Mr. Thompson testified that when he was the Regional Forester he did agree that this old forest should not be disturbed by logging and had issued an order to that effect. However since he had retired from the service he was now the representative of 44 lumber companies, that his views had changed accordingly and it was now his thinking that the forest should be logged.

He was frank, and certainly proved to be loyal to his salt.

After running through a series of witnesses that were either employees of the Forest Service, exemployees now working for lumber companies, lumber company officials who cut timber under the control of the Forest Service, men whose principal business was with the Forest Service and the like, nearly all had never been on the Kern Plateau, the opponents of the project were heard. Upon the conclusion of their testimony, Charles A. Connaughton the current Regional Forester who acted as Hearing Officer, stated that it was obvious that those who favored the Forest Service program were constructive and those opposed to it had a negative attitude, therefore he would approve the program.

The contract was let and the results speak for themselves. The Forest Service provided the concrete bridges for the access road to cross the major creeks. The lumber company constructed

an excellent road. They harvested such lumber as they could, prepared the customary eyewash area along the roads, left the debris and slash on the ground. I doubt if they found it a profitable operation.

The Forest Service in order to prove its devotion to the multiple use program which it had loudly ballyhooed, spent a great deal of money on fancy brochures, public relations and publicity spreads, in the effort to justify their contract, and promptly padlocked the gates at the start of the road when the logging season was over. This effectively prevented anyone other than the lumber company from using the road and proved another shining example of the hypocrisy which the public has come to expect from our local forest guardians.

I have been connected with the lumber business in one way or another since World War I. In the 1920's I sold all the lumber cut from private holdings on an adjacent mountain. It was uniformly poor and when we could get other lumber we did. The cut over area is now a huge brush patch, the meadows choked with willows and scrub trees and the forest a ruin. I have been written improbable fairy stories by Chief Forester McArdle, about their plans. Evasion, duplicity and fabrication mark the statements of their men who are trying to sell this project. I have never seen so many men in a government agency trying to sell a bill of goods to the people, or with less regard for the public interest or the welfare of the region affected.

The Senate Committee on Interior and Insular Affairs under the direction of Senator Murray and at the request of Senator

Thos. Kuchel and others, in 1959 sent a competent forester and investigator, Robert E. Wolf, to survey this area and make a report. The survey was made under the auspices of the Forest Service and was accompanied by Dave Brown^R of the Sierra Club, Howard Bilton of the Southern Sierras Conservation Association and myself. A copy of his report, I have but the one, is filed with this statement for the use of this Assembly Committee.

Suffice it to say, the Forest Service did not follow his recommendations. He stated that timber management activities should be subordinated to recreation and water production. He commented upon the Forest Service Recreation Program, which they have been unable to implement, because they do not and have never had the money for recreation purposes in the Kern River area.

The Forest Service knows it does not have the money and obviously cannot get the money to put on an adequate recreation program on the Kern Plateau. They nevertheless prepare grandiosa plans, including mirage lakes, and sell their program to an unsuspecting public under the guise of a multiple use project, when in reality it consists of but one use. Cut those trees.

Now, unless I may be misunderstood, let me say that I am a strong believer in free enterprise. I believe that the resources of the public domain should be put to their best use in the public interest. I am however a believer that with free enterprise goes responsibilities to the public and I believe too, that private enterprise has no license to plunder the public domain. I believe that the Multiple Use concept as a stalking horse to open the gates of this marginal forest for exploiting one resource, logging, is

not in the public interest and that those responsible for so doing are culpable.

The locked gates on the access roads, the destruction of creek crossings and placing of bulldozed barriers on the logging roads, would indicate that the multiple use concept in the Kern River area is as phony as a three dollar bill.

If this were timber country with heavy precipitation like on the west side of the Sierras, starting about forty or fifty miles north of here, I would favor good logging practices, but with the many bad examples surrounding us in terrain similar to Cannel Meadows and with the same climatic conditions, I can conceive of no greater disservice to the public interest than to permit the destruction of this last wilderness area in Southern California. I do not like to challenge the integrity of anyone, but with the examples of deceit, evasion and duplicity and the frantic endeavor to put this project through at any cost, to say the best for their activity, it doesn't look good.

Also after they rushed through their first contract to "take the Mt. Whitney Lumber Company off the hook", the Merced Box Company went broke, the Mt. Whitney Lumber Company took over their mill, which was a bunch of junk to start with; and their contract with the Forest Service. A very strange coincidence.

In April of 1957 The General Accounting Office at the instigation of Senator Ellender and Senator Kuchel, sent two investigators of the General Accounting Office to look into and make a report on the questions raised by the controversy over the Kern Plateau logging program of the Forest Service and Mt. Whitney

Lumber Company.

They gave me a verbal report of their findings on April 26th, 1957 at my office. They asserted that they had been checking on the various questions that had been propounded and covered all bases with the exception of the area involved, the Cannel Meadows Working Circle. They stated they had spent a great deal of time looking over lands outside this area on the north and west side of the Kern River. An area not involved in the controversy, much more densely forested, and which had supported logging operations for a long period.

In their inspection trips through the Johnsondale area where the logging operations of the Mt. Whitney Lumber Company have been the subject of bitter criticism, they found that at least one of the major trout streams, Double Bunk, which had been destroyed by choking with debris and slashings, had been cleaned up until it looked like a park. The eyewash areas along the passable roads had also been beautifully cleaned up. This is in accord with the contract provisions, they stated, and has now been complied with. While we are happy that this has been done, it is our firm conviction that it never would have been accomplished except under the pressure of this investigation. The clean up business does not apply to the back areas away from the roads, particularly Knobe Young and Parker Meadows.

They visited the Ivory Lumber operations at Dinuba, I assume for comparison. They had an opportunity to observe the type of trees, the new growth, and so forth, on the West Side of the Kern, and the lumbering operations. However, on the East Side of the

Kern between the forks of the river on the Cannel Meadows plateau, they reported that they had a trip via jeep, over the route of the new road as far as it had been constructed. They commented the construction (at taxpayers' expense because it all comes out of the timber), is first grade, that a project engineer is on the job eight hours a day to see they build a permanent road. They walked in several miles of the last stretch where the road had not yet been built and reached the fringe of the area under contract at Poison Meadow. They had an opportunity to observe the type of forest and the brush replacement where a burn occurred. They could also see the big old trees and the absence of young growth. They could see too, that this is about as thin a forest as you will find. In other words, few trees per acre.

Subsequent to this trip they said they flew over the area in a Piper plane from Porterville. From the description of their flight they covered the area and also went far to the north of it, to the Little Kern. From the air they stated they could see the thinness of the forest cover everywhere except along some of the creeks close to the Meadows. The ground was covered with snow from a recent storm, though largely melted off in the meadows. They could not estimate the quality of the timber, kind, or quantity from the air. Neither did they have the qualifications for doing so.

I believe they were thorough in seeking out people and getting pro's and con's. They reported that while the Forest Service has some grandiosa plans for multiple uses of the area, in reality all they really have is a program for logging the timber. The

reservoir and lake sites in their plans are complete phonies because there is no adequate water supply except for one small reservoir and the owners of the water rights down stream would not let them use the sites even if there was water. The lake locations along the South Fork of the Kern are excellent sites, have been known for years and only lack a water supply. The run off on the South Fork is small and many years it is completely dry for long stretches below Monache Meadows and very little flow above it, throughout the entire summer and fall. The Forest Service has no funds with which to establish and maintain campgrounds or to cope with the automobile public.

These men could not obtain answers to the basic questions which cutting of the timber presents, for two reasons. First, they had no qualifications upon which to make a judgement. Second, they were unable to penetrate the plateau because of the snow.

The questions that had been raised are here listed:

1. Growth cycle of the various species of trees on this plateau or in a similar area.
2. Effect on the watershed.
3. Effect on the grazing lands.
4. Effect on the native trout and wild life.
5. Effect on present uses for recreation.
6. Effect on the economy of the region.
7. Increase of fire hazards, due to down timber, slash, debris, and a motoring public.
8. Quality of the lumber.
9. Will the revenue obtained from the logging offset the

present uses of the area and justify destruction of the last sizeable wilderness area of this character in Southern California?

10. Should the plan of one lumber company and a few forest service officials outweigh the wishes and desires of many thousands of the public.

They did report they found no evidence of collusion in the Forest Service records or illegal payments. These questions had not been raised.

Following this inadequate report by the General Accounting Office staff, Robert Wolf a competent forester was sent out by the Senate Interior Committee/Chairman, Senator Murray. He was instructed to make a field study and to report on the controversial questions that had been raised and advise on the ways this forest could best fulfill its conservation role.

Mr. Wolf's report was objective and clearly points out salient problems and the absolute necessity for the Forest Service to move slowly on its alleged multiple use program, keeping road building and logging in harmony with their development of adequate recreational areas, camp grounds, protection of the watershed, and conservation of the native fish and wildlife.

The report quotes Forest Service surveys as alleging the forest is now experiencing a net loss of growth. While not specifically detailing the causes for this net loss, it does point up the need for an independent ecological survey of the region, to determine all of the causes, such as drought years, soil deficiencies and climatic changes in addition to the supposition that the older

trees are to blame. The seemingly prevalent idea actuating Forest Service thinking is that the trees must be cut down to save the forest. The present logging program offers much material for conjecture if this idea is sound.

The comments upon the present recreational use of California's Forests are necessarily brief, but do not give a clear picture as to the causes for the disproportionate number of visits to various areas. The four Southern California Forests, which are the poorest from a forest standpoint, provide more than 50% of the entire forest recreation in California. This is understandable when one considers the dense population in their immediate vicinity, the smog conditions that drive millions into the mountains and deserts at every opportunity, the paved roads and the numerous small lakes. Lumbering is at a minimum.

Inyo National Forest, Northeast of the Kern Plateau, gets its heavy volume of visitors from the Los Angeles region primarily because of the abundance of water and great fishing lakes. During trout season an active squirrel could travel the whole distance from Los Angeles to Crowley Lake on the tops of cars, trailers and boats. Most every weekend the cars form an unbroken line for the entire distance, running bumper to bumper.

No such water exists on the Kern Plateau. There are no lakes and the visitor pressure is concentrated along the forks of the Kern River and Lake Isabella where there is water to fish and to play in. In the Johnsondale logging area, visitors are extremely rare, there is no great pressure of visitors on the Greenhorn mountain, for a logged over area where water is scarce

is not attractive. Mr. Wolf points out the principal drawback to mass recreational use of Kern Plateau is this absence of bodies of water of any size.

The report refers to the studies presently underway by the National Outdoors Recreation Resources Review Commission, to be completed in 1961, as providing a valuable base upon which future decisions can be made with reference to the Kern Plateau. The further construction of new roads or the extension of the Brush Creek Road will cause decisions to be made that can and should be held in abeyance until these studies are available as well as other studies such as the ecological survey, a watershed, climate, and a soil analysis report, as well as an economic study.

The report states that the 1956 Resource Management Plan for the Kern Plateau constitutes an excellent general statement of objectives, but then goes on to show the fallacy of the plan. In plain words, to quote the late Congressman Robert Rich, "Where are you going to get the money?"

Pages 12 and 13 of the ^{Wolf} report clearly illustrate the financial situation which confronts the Forest Service in trying to implement their proposed Management Plan. Their budget for the entire Sequoia National Forest illustrates the paucity of their finances to implement any sort of a decent recreational program or one for watershed protection. I do not have their percentages of the budget allocated to the Kern Plateau, but I do remember the testimony of one of their witnesses at their rigged Visalia hearing, who stated that they were operating on a financial economy that was insufficient to supply toilet paper to their campgrounds

on the Kern River.

Mr. Wolf points out quite succinctly that the rate of progress possible for the most important long-term resource usages should determine the level at which the other complementary and subsidiary uses go forward, and recreation and water should be considered as the major of the multiple uses for the Kern Plateau.

Since the release of Mr. ^{Wolf} Wolf's report, the propaganda machine of the Forest Service has gone all out in an effort to make the public believe that the report is an unqualified endorsement of their Resource Management Plan. They announced they would immediately call for bids to construct a road from Kennedy Meadows to beyond Troy Meadows so as to open up the Beach Meadows country. Nothing they have said would indicate they intend to pay one iota of attention to the recommendations in the Wolf report concerning this road, which clearly states that the original location had to be revised to correct location defects which affect water protection. Neither have they indicated they planned to pay any attention to the other recommendations in the report.

A trip to this Kern Plateau is a must if one is to free his thinking of Forest Service propaganda. One individual stated "As I see the problem, unless the dead and dying timber is removed, there are likely to be forest fires which would result in the area becoming useless for any purpose whatsoever." The facts are that there are numerous instances of lightning fires in this type of tree most every year. Except in a very brushy area where trees are isolated, the fires are put out by the rains or with little effort by man. On the plateau it would be extremely difficult to start a forest fire by burning a dead or dying

tree. Where they are logging these trees and dropping them on the forest floor along with the slash and debris from merchantable timber it is like loading a stove with kindling.

The Forest Service is annually concerned with the threat of forest fires. They should look in a mirror or review their forest and brush preserving practice to find the causes.

The statement of Dr. Wayburn, Vice President of the Sierra Club, is consistent with the views of those who have opposed the Forest Service program. I agree wholeheartedly with his statement, "the compatibility of mass recreation and controlled logging should be tested along the Brush Creek road." His qualifying additional statement, "and if necessary southward to the Fay Ranch, as well as in the region of Kennedy Meadow on the eastern side of the Plateau," should be taken as written, "if necessary." "Further development of Kern Plateau should be deferred until present Forest Service theories are proved out," is just sound common sense.

The flood of Forest Service propaganda, and it has been a flood, indicates that there are divergent points of view as to the validity of the context of the Wolf report and the extent and intent of the Forest Service to carry out the recommendations.

Senator Murray, Senator Engle, Senator Kuchel and Congressman Hagen Did a wonderful job in securing this report. The report coincides with the realities and the facts. We now have a major problem. To what extent is the report binding upon the Forest Service? I would say but little. The Forest Service is a pri-

vileged agency in many ways. It has a sacred cow aura about it, that makes one hesitant of differing with it's policies or actions. It is backed wholeheartedly by the lumber industry, and with it's life or death power over the grazing rights, keeps the cattlemen and sheepmen docile.

Everyone is against fire and against bugs. The threat of these maintains their appropriations, and to question their practices and policies and programs borders on heresy in the view of their supporters.

I have tried to hit only the high spots of the controversy over this old and marginal forest. To detail it minutely from my records would prove too burdensome for this hearing.

Now what is it that the opponents of the Forest Service program desire?

Well for one thing, we believe that the Forest Service should first prove its contentions on the results of the Salmon Creek and Troy Meadows contracts, before extending their program. They should have to put up the proof that their projected recreation program is something beyond sheer propaganda. The proof will be when they have persuaded the Congress to appropriate the funds to implement it. When that day comes I doubt if many of us will be here. In the meantime they should be estopped from logging off the trees that make this wilderness area a haven for those of the many millions of our population who appreciate its beauty and its resources.

The overwhelming majority of our people seeking recreation in our outdoors areas, do so where there is water in abundance.

The total number of visitors at Federal Reservoirs, including Corps of Engineers, Bureau of Reclamation and TVA exceeds attendance at national parks and national forests combined. Numbers of people like the unspoiled wilderness. This small remnant of our once great wild area should not be marred with dust laden access roads, no accommodations for motorists, strewn with beer cans, fished out streams, logged over forest with the attendant debris, and left as a monument to man's thoughtlessness.

The present economy of this area has sustained great herds of cattle in its day, it has provided hunting and fishing and camping to countless numbers of people who have reveled in the unspoiled land. The uses just about balance the resources. To try and put in a flood of motorists who will do throughout, what they did in the first week at Horse Meadow when the road reached there, that is, destroy the fishing in Salmon Creek, that for over 100 years was a famous stream in providing golden trout and rainbows to those fishermen and campers who cared to penetrate into the mountains on foot or by horseback.

Man has flooded over the earth and his backwash is eroding the remaining islands of free and open land and clean water. There are but few places close to populated areas where he can go to escape the gasoline fumes and the crowded ant hill cities and resorts.

In Germany you must own or lease a "Hunt" or be invited to share the game by one who does. Poachers may be shot on sight. In England, game preserves are private, fishing is for the privileged.

Today in the USA you may find it necessary to belong to a club - with expensive membership fees, to hunt water fowl. Game farms, clubs and private fishing resorts are now common in many states. Even in sparsely settled areas of the West.

Our human settlement in California becomes increasingly more crowded. However our game technologies are up to date and have kept our game and fish populations in relative abundance.

We are obliged to keep ahead, not merely to expand and to perpetuate sport or species, but to guarantee the solace and relaxation so desperately needed in our over-complex society.

The motoring public has direct access to most of our public lands. Surely those whose needs and whose inclinations are for less crowded places should have a few small portions of native wilderness left for their requirements.

We can't often have both the egg and the chicken. Certainly if this forested plateau is to go the way of the other logged off desert mountains we are going to have neither. The motorists will not want it once the great trees are gone and the streams fished out. Those who enjoy the wildlands will not want it once the roads are in. When the loggers have finished with the forest, the area will go back to the rattlesnake and the chipmunk, brush and scrub trees will replace the pines and great firs and cedars. Erosion will steadily do its part to make it return to desert.

I would suggest a trip through this area. Then and only then can you picture it properly. The Forest Service should be stopped cold where it is today, unless and until it proves its contentions and can justify its programs by the means to implement

them.

Not all the skill and wisdoms given to man are locked in the Forest Service. They have no monopoly on programs and plans. They do have a demonstrable record of failures that they would like to see forgotten.

My criticism of them and their plans is offered more in a spirit of sadness and sorrow and in the hope that our representative bodies can find the means to solve this controversy.